United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, WEDNESDAY, FEBRUARY 13, 2008 No. 24

House of Representatives

The House met at 10 a.m.

Rev. Chad Eaton, Biltmore Baptist Church, Arden, North Carolina, offered the following prayer:

Gracious Heavenly Father, we ask for Your presence today in this great Chamber. Please bestow upon each Representative today divine wisdom and discernment.

We stand at a difficult time in the history, not only of our great Nation, but of the world. May the decisions made here today not only honor the districts they represent, but first honor You.

Father, it is because of Your great blessing and provision that this Nation has prospered in the past. I pray that this body recognize its need and continued dependence upon You to maintain that blessing.

May these Members seek to be servants today instead of being served, and find favor with You because of their desire to know, honor and serve only God the Father, with humility, character, and courage.

May God once again bless America.

I ask this in the strong name of my Lord and Saviour, Jesus Christ. 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 gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

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

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

MESSAGE FROM THE SENATE

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

H.R. 3773. An act to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes.

WELCOMING REV. CHAD EATON

The SPEAKER. Without objection, the gentleman from North Carolina (Mr. SHULER) is recognized for 1 minute.

There was no objection.

Mr. SHULER. Madam Speaker, I want to thank my friend and my brother in Christ, Chad Eaton, for opening the House of Representatives in prayer today.

Chad Eaton is the pastor of Sports Outreach at Biltmore Baptist Church in Asheville, North Carolina.

Chad is married to Kim Eaton, and they have one son, Cole.

Chad has been a great friend to my family and to me, and to the members of our church. I appreciate the dedication he has shown to reaching the youth in our community for Christ.

I ask my colleagues to welcome Chad as he has led us in prayer this morning.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to fifteen 1-minutes on each side.

ARMY CHOOSES TO KEEP CRITICAL REPORT SECRET

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

Ms. WATSON. Madam Speaker, this week we learned that the Army refused to release a report it commissioned from the RAND Corporation on the mistakes made in the planning and the implementation of the Iraq war.

We all know that mistakes were made. However, it's important that the Bush administration hear from independent voices exactly why the war in Iraq did not go as the administration planned.

The RAND report, uncovered by the New York Times earlier this week, chided both President Bush and then-National Security Adviser, Condoleezza Rice, for not resolving differences between the State Department and the Pentagon. It also highlighted the administration's failure to develop a single national plan that integrated ''humanitarian assistance, reconstruction governance, infrastructure development and postwar security.''

Madam Speaker, the Bush administration has a lot of lessons to learn but refuses to listen to any independent critiques. I would hope the administration would take this report seriously and would also conclude that the status quo in Iraq cannot continue.

It's time that we bring our troops home.

FIX FISA NOW

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

Mr. WILSON of South Carolina. Mr. Speaker, we need a permanent fix to the Foreign Intelligence Surveillance Act, and we need it now.

Our enemies will not take a vacation if the Protect America Act is left to expire. Therefore, it is dangerous for American families to let our intelligence-gathering capabilities be limited because of a failure by Congress.

We face an enemy well equipped to exploit the technologies of the 21st century for their evil purposes. Our intelligence community knows what it

Printed on recycled paper.

needs to combat that enemy and has told us on countless occasions. Yet the efforts by some to water down a fix to FISA or punish American businesses for cooperating with the government has brought us to another deadline. We face the choice of acting to defend this country or further delaying a fair solution.

I hope we take the bipartisan Senate bill and pass this fix immediately. Let's get this done to protect American families.

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

PENTAGON TO KEEP 130,000 TROOPS IN IRAQ

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

Mr. CARNAHAN. Mr. Speaker, on Monday, Defense Secretary Gates confirmed what many of us in Congress have long suspected: the Bush administration plans to leave nearly 130,000 troops in Iraq until the day he leaves office next January.

The war in Iraq has been misguided from the start and mismanaged in its prosecution. It has led to a significant military readiness crisis, deteriorating conditions in Afghanistan, a readiness crisis for National Guard forces here at home, and a record low standing for us abroad.

This month, the Chief of the National Guard Bureau said that 88 percent of our stateside Guard units are ''very poorly equipped'' with less than half of what they needed to respond to a domestic crisis. Five years of war in Iraq is indeed straining our troop force and their equipment. Yet the Bush administration wants more of the same.

Mr. Speaker, this Democratic-led Congress will continue to fight to change direction in Iraq and responsibly redeploy our troops home.

CONGRESS WORKS FAST TO ADDRESS ECONOMIC DOWNTURN, BUT MORE WORK NEEDS TO BE DONE

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

Mr. SIRES. Mr. Speaker, economists said if Washington wanted to help jump-start our Nation's economy, it needed to act fast. That's exactly what we did. Congress acted in a strong bipartisan fashion to pass an economic stimulus plan that will be signed into law by President Bush today.

The new law will put hundreds of dollars into the hands of more than 130 million American families, including seniors and disabled veterans, who will then spend it to reinvigorate our economy.

The law also expands financing opportunities for Americans who are in danger of losing their homes because of the mortgage crisis and promotes small business investment in plants and equipment.

Mr. Speaker, Democrats are proud that we have been able to work so quickly to produce an economic stimulus plan that is timely, targeted and temporary. We are also proud of the fact that this package provides immediate relief to low- and middle-income families and small businesses that need the help the most.

We will continue to rebuild and strengthen our economy, create good jobs, and give relief to families that are struggling to make ends meet.

COMMEMORATING THE DAY OF REMEMBRANCE

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

Mr. GRIJALVA. Mr. Speaker, I rise today to commemorate the Day of Remembrance. This marks the 66th anniversary of the executive order which authorized the incarceration of over 120,000 Americans, primarily of Japanese descent, but also Italian and German Americans.

I stand today to remember those that were taken from their home and their communities, citizens and residents of our country that were victims of an unwarranted and unjust political paranoia.

In 1988, Congress apologized for that internment and took steps not to allow this black mark in our history to happen again.

Mr. Speaker, in rising today, it is also important to remind ourselves in these times where scapegoating and fear-mongering against a certain people is becoming more and more prevalent, this day reminds us not to allow this to happen again and to, above all, protect everybody's rights, protect everybody's inherent rights in this country, and not to allow this to happen again.

NATIONAL DAY OF REMEMBRANCE

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

Ms. HIRONO. Mr. Speaker, I rise to commemorate February 19, the National Day of Remembrance for Japanese American internment.

During World War II, fear and mistrust clouded judgment and allowed brazen racism to take hold. Sixty-six years ago next week, President Roosevelt signed Executive Order 9066, which sent 120,000 American citizens and legal residents of Japanese descent into internment camps, forcing them to lose their homes, jobs and possessions. Some of these families were held in internment even while their sons showed great patriotism by serving in the Army. In my home State of Hawaii, 10,000 individuals were investigated and an estimated 1,250 Japanese Americans were detained in our islands.

During trying times such as our Nation once again faces, we must not allow prejudice against people based on race, creed or national origin to shape public policy. Fear tests our moral fortitude, and this National Day of Remembrance reminds us to reflect on our past actions in order to make just decisions which uphold our Constitution.

GUN VIOLENCE

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

Mr. RUSH. Mr. Speaker, I come to the floor of the House today to address the issue of gun-related violence and deaths in America. Last Thursday, the first day I began this series of statements on the plague of gun violence that's sweeping our country, two more gun-related incidents captured the Nation's attention.

In Portsmouth, Ohio, an estranged husband shot and then stabbed his wife to death on the schoolhouse steps. She was a fifth grade teacher, and she died in front of her students.

The second incident that grabbed headlines that day occurred during a city council meeting in Kirkwood, Missouri. In that suburban town, the assailant took the lives of five innocent people. A sixth victim, Kirkwood Mayor Michael Swoboda, is still clinging to life. And so in a sign of respect for the victims, Kenneth Yost, police officers Tom Ballman and William Biggs, and council members Michael Lynch and Connie Carr of Kirkwood as well as teacher Christi Layne of Portsmouth, I enter these six names in the RECORD.

When will America join me in saying, Enough is enough? Stop the killings.

□ 1015

CONGRESS WORKS FAST TO ADDRESS ECONOMIC DOWNTURN, BUT MORE WORK NEEDS TO BE DONE

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

Mr. BUTTERFIELD. Mr. Speaker, today President Bush will sign our bipartisan economic stimulus legislation into law. Getting this bill done quickly is a victory for the American people that will inject confidence and consumer demands, promote economic growth and create jobs.

130 million low- and middle-income Americans will receive tax rebates in the coming months. These rebates are welcome relief to many families who are struggling in this economy. Family incomes and home prices are down as health care and energy, food and education costs and mortgage foreclosures have climbed. Economists estimate that every dollar included in these rebate checks will lead to $1.26 in economic growth. The new law should also

help create 500,000 new jobs by year's end.

Mr. Speaker, this economic stimulus package is a good first start, but this Congress will take additional action to help American workers and help our economy recover. We will also develop a plan for additional assistance, which could include extension of unemployment benefits, food stamps, State and local assistance, and Medicaid.

RENEWABLE ENERGY TAX PACKAGE

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

Mrs. CAPPS. Mr. Speaker, ExxonMobil recently announced that they have earned over $40 billion in 2007, the highest profits ever for a U.S. company. Of course, we want our U.S. companies to succeed in the global marketplace, but hugely profitable oil companies certainly don't need taxpayer subsidies, especially as the price of oil continues to hover at $100 a barrel.

I want to urge my colleagues, it was none other than President Bush who said that with oil at $50 a barrel, he saw no need for the kind of subsidies put in the 2005 energy bill by the Republican Congress. My constituents are fed up that oil companies are reaping billions in profits while hardworking Americans are suffering from a slowing economy.

Now is the time to level the playing field by removing Big Oil tax breaks and advancing clean technologies that will create green collar jobs and help grow our economy, drive down high energy prices, reduce our dependence on dirty and dangerous fossil fuels, and curb global warming pollution.

If we are going to give American consumers more efficient and cheaper energy options, we need to expand the incentives to invest in renewable and alternative energy sources.

The House will soon take up legislation to repeal these giveaways and to put our tax dollars to work to create a new policy for the 21st century. This legislation will significantly move us toward the goal of energy independence.

I urge my colleagues to support this bill.

CONGRESS WORKS FAST TO ADDRESS ECONOMIC DOWNTURN, BUT MORE WORK NEEDS TO BE DONE

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

Mr. ARCURI. Mr. Speaker, the economic stimulus package that President Bush will sign into law today is a bipartisan victory for the American people. This broad-based stimulus package will provide tax relief of up to $600 per individual and $1,200 per married couple, plus an additional $300 per child. Recovery rebate checks could be sent out to 130 million Americans as early as May.

The stimulus package includes unprecedented tax relief for working families. The measure provides $32 billion in tax relief for 35 million families who work but make too little to pay income taxes, families who otherwise would not have been included in the recovery package. This is a critically important provision in the stimulus package because economists say that the tax rebates that include low- and moderate-income families are 24 percent more effective as stimulus than rebates that leave these families out.

Mr. Speaker, it is our hope that this stimulus package will help jump-start our economy so more Americans can live the American Dream.

HONORING CONGRESSMAN TOM LANTOS

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

Mr. COHEN. Mr. Speaker, this Nation lost a great American this week. United States Congressman Tom Lantos passed at the age of 80. Last night on this floor, there was an hour of bipartisan agreement of what this man meant to this country and how much we've lost. There will be a memorial service tomorrow under the Capitol rotunda.

Tom Lantos was a Holocaust survivor who escaped from the Nazis twice and survived. He helped Jewish people survive the Holocaust through the good deeds of Raul Wallenberg, and he remembered that. He was a leader in this Congress and this Nation on human rights and civil rights, animal welfare rights, all living creatures.

Mr. Speaker, as a freshman Member of Congress, I was befriended by Tom Lantos, who told me to call him ''Tom,'' which was difficult to do. He was such a giant of a man.

There are great opportunities to speak out on policy in this body and to serve in the greatest deliberative body in the world, but there are human stories, too.

In my opinion, there are two saints that are Members or have been Members during this term that I have served. One is Congressman Lantos, and one is Congressman LEWIS. They have overcome great adversity to go to great heights. I think this country owes a debt of gratitude to the Lantos family for his work. He will be sorely missed. I was fortunate to serve with him and to be able to call him a friend.

SHORT-TERM EXTENSION ON ELECTRONIC SURVEILLANCE LEGISLATION

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

Mr. ROYCE. Mr. Speaker, we are back on the floor today deliberating another short-term extension on electronic surveillance legislation, and I would understand a stopgap measure if we were at an impasse. But yesterday the other body passed a bipartisan permanent rewrite of this essential national security legislation. They did it with 68 votes. They did it overwhelmingly on what some here have called a contentious issue. Well, 21 Members of the majority here have written the Democratic leadership supporting the Senate's version. The President has said he will sign it.

Mr. Speaker, let's bring that bill to the floor and pass it today. If the current authority is allowed to lapse 3 days from now, most experts agree that the administration would have to go back to the original FISA statute for new warrants in cases where foreign-to-foreign communications are routed through the U.S. telecom infrastructure, causing us to miss important information on terrorists that are trying to attack Europe, trying to attack us here, trying to attack in the Middle East. That's a situation we cannot go back to.

ENDING SUBSIDIES FOR BIG OIL AND SUPPORTING RENEWABLE ENERGY

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

Mr. WALZ of Minnesota. Mr. Speaker, you've heard previous speakers this morning talk about the incredible profits of oil companies. The number is $40 billion last year. That is the largest corporate profit in the history of this Nation. And meanwhile, as these profits are flowing and high energy prices continue to squeeze working-class Americans since President Bush took office, gas prices are up 109 percent, and home heating prices are up 222 percent. And over that same period of time, profits at the oil companies are up 313 percent.

Now, to add insult to injury, in addition to these profits, the oil companies are currently receiving tax subsidies from the taxpayers of America. House Democrats do not believe that's right.

In the coming weeks, we are going to consider legislation that will end those subsidies and transfer it to renewable energy sources. Renewable energy jobs and investment across America depend on Washington to act on this.

Mr. Speaker, by passing this energy bill, congressional Democrats will lower energy costs, improve national security by making us more energy independent, and end taxpayer finance subsidies to the oil companies.

RECOGNIZING THE COURAGE AND CHARACTER OF PEOPLE IN THE SOUTH AFTER NATURAL DISASTERS

(Mrs. BLACKBURN asked and was given permission to address the House

for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, 1 week ago today, a deadly series of storms rolled across the South bringing destruction and heartache to many of my constituents in Tennessee, and I rise today to recognize the people affected by these storms in Tennessee, Arkansas, Mississippi, Alabama, and Kentucky, and to commend them for the character and determination that they displayed and to encourage my colleagues to support H. Res. 971 to recognize that courage and character.

In visiting the communities that were hurt by the storms, I drew true inspiration from the people that I met. In the midst of destruction on an unimaginable scale, shaken and grieving individuals were pulling together with the spirit of determination and cooperation. Neighbors are helping one another, churches and schools are functioning as headquarters for emergency aid, serving hot meals and giving out supplies. Emergency responders have proven their mettle, and local and State officials are focused on how they can best move forward.

Mr. Speaker, I ask all of my colleagues to join me in recognizing the spirit of the people in the community. Support H. Res. 971, and I wish each family well as they rebuild.

ON FISA, PRESIDENT AND REPUBLICANS PLAY POLITICS WITH NATIONAL SECURITY

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

Mr. PALLONE. Mr. Speaker, President Bush and congressional Republicans are playing politics with our national security.

After slowing down the process of withholding key documents in the Senate, President Bush and congressional Republicans are demanding the House take immediate action on a Senate FISA bill that just passed the Senate yesterday.

The Protect America Act is a law that was pushed by the President, and yet today he says that he will oppose any attempts by Congress to extend that law for 3 additional weeks.

The House has passed its own bill, the RESTORE Act, that will modernize FISA by giving the intelligence community the tools it needs to track terrorists while protecting the constitutional rights of innocent Americans.

If Congress does not extend the Protect America Act, the intelligence community will still have all the tools it needs to continue current surveillance and begin new surveillance on any terrorist threat.

Mr. Speaker, if the President was serious about our national security, he would stop playing politics over a very serious issue.

PEPFAR REAUTHORIZATION

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

Mr. PENCE. Mr. Speaker, I don't need to tell you the HIV/AIDS pandemic has infected more than 60 million people worldwide, killed more than 25 million people, orphaned 14 million in its wake, and today, nearly 70 percent of the people in the world who are afflicted with HIV/AIDS reside in Africa.

In 2003, President Bush called on Congress to create a program to address the worldwide HIV/AIDS pandemic. The President's Emergency Plan for AIDS Relief, known as PEPFAR, was an extraordinary bipartisan achievement of compassion, and unfortunately, the majority in Congress has put forth a reauthorization drafted to this bill that will be considered tomorrow that puts at risk America's commitment to HIV/AIDS efforts.

The Democrat proposal will take a successful bipartisan achievement, do away with funding requirements for abstinence, and also mandate the integration of family planning services into PEPFAR, which would transform the program potentially into a mega funding pool for organizations with an abortion promotion agenda.

PEPFAR must not be hijacked in partisanship or domestic public policy issues. We owe the world a bipartisan remedy to meet the global AIDS pandemic that meets the crisis with American resources and values, and I urge my colleagues to work on this legislation in a bipartisan and compassionate manner.

WE MUST PASS THE SENATE VERSION OF THE FISA BILL

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

Mr. McCAUL of Texas. Mr. Speaker, we will be engaging today in an important debate, perhaps the most important debate certainly since I've been in the United States Congress, and that is how to protect the American people, how can we capture intelligence overseas to better protect the United States.

I bring to this debate a unique experience. I worked in the Justice Department under the Foreign Intelligence Surveillance Act on FISA's national security wiretaps. This statute was never designed to prohibit us from capturing overseas intelligence from foreign targets. If Osama bin Laden is calling in to the United States, we, as Americans, have a right to know what he is saying.

This is, again, one of the most important debates, and the Senate passed yesterday a version of this which I urge the House to pass today, and also one that protects companies, patriotic companies, who help out the United States Government when the United States Government asks and gives the call to duty to help the United States in capturing this overseas intelligence.

The time to act is now, and extension in terms of intelligence is unacceptable. We cannot allow our intelligence to go dark in many parts of the world. We must pass the Senate version of the FISA bill.

□ 1030

MOTION TO ADJOURN

Mrs. BLACKBURN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. JACKSON of Illinois). The question is on the motion to adjourn.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 3, nays 366, not voting 59, as follows:

[Roll No. 46]

YEAS—3

Johnson (IL) Tancredo Tiahrt

NAYS—366

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gillibrand
Gingrey
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick

Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Kucinich
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Petri
Pitts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Ramstad
Regula
Rehberg
Reichert
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Stearns
Stupak
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Welch (VT)
Weller
Westmoreland
Wexler
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—59

Ackerman
Baird
Barton (TX)
Biggert
Braley (IA)
Cole (OK)
Cubin
Culberson
Cummings
Davis, Tom
DeFazio
Dicks
Doolittle
Doyle
Engel
Garrett (NJ)
Gilchrest
Gohmert
Goode
Higgins
Hinojosa
Honda
Knollenberg
Kuhl (NY)
Lowey
Mack
Mahoney (FL)
McCrery
Miller, George
Mollohan
Moore (WI)
Musgrave
Ortiz
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pryce (OH)
Radanovich
Rahall
Rangel
Renzi
Reyes
Ruppersberger
Ryan (OH)
Smith (NJ)
Souder
Spratt
Stark
Sullivan
Taylor
Tierney
Towns
Waxman
Weiner
Weldon (FL)
Whitfield (KY)
Wynn
Young (AK)

(1056)

Mrs. BLACKBURN, Messrs. ISRAEL, SHULER, TURNER, McNERNEY, SAM JOHNSON of Texas, HASTINGS of Washington, PUTNAM, CHABOT, SMITH of Washington, SESTAK, BACHUS, SMITH of Texas, SCOTT of Georgia, CARDOZA, FATTAH, BRADY of Pennsylvania, KINGSTON, INGLIS of South Carolina, Ms. KILPATRICK, and Mrs. MYRICK changed their vote from ''yea'' to ''nay.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. COLE of Oklahoma. Mr. Speaker, I was unavoidably detained and missed rollcall vote No. 46. Had I been present, I would have voted "nay" on the motion to adjourn.

PROVIDING FOR CONSIDERATION OF H.R. 5349, PROTECT AMERICA ACT OF 2007 EXTENSION

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 976 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 976

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 5349) to extend the Protect America Act of 2007 for 21 days. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions of the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence; and (2) one motion to recommit.

SEC. 2. During consideration of H.R. 5349 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

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

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

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, House Resolution 976 provides for further consideration of H.R. 5349, which extends the Protect America Act of 2007 for 21 days under a closed rule.

□ 1100

The rule provides 1 hour of debate, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chairman and ranking member of the Permanent Select Committee on Intelligence.

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

MOTION TO ADJOURN

Mr. HASTINGS of Washington. Mr. Speaker, I move that the House do now adjourn.

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

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 7, nays 364, not voting 57, as follows:

[Roll No. 47]

YEAS—7

Dicks
Doolittle
Hastings (WA)
Johnson (IL)
King (IA)
Shimkus
Tiahrt

NAYS—364

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Drake
Dreier
Duncan
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)

Johnson, E. B.
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Kline (MN)
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Regula
Rehberg
Reichert
Reynolds
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—57

Andrews
Bachus
Berman
Brown, Corrine
Cannon
Carnahan
Costa
Cubin
Davis (IL)
Davis, Tom
Delahunt
DeLauro
Doyle
Edwards
Engel
Farr
Frank (MA)
Gilchrest
Gohmert
Hastings (FL)
Hinojosa
Honda
Johnson, Sam
Jones (OH)
Klein (FL)
Knollenberg
Lewis (KY)
Lowey
Marchant
McCrery
Miller (NC)
Moran (VA)
Obey
Olver
Ortiz
Pickering
Pryce (OH)
Radanovich
Rangel
Renzi
Reyes
Rogers (AL)
Ruppersberger
Ryan (OH)
Sali
Simpson
Skelton
Souder
Taylor
Tierney
Towns
Walsh (NY)
Waxman
Weiner
Weldon (FL)
Wynn
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1123

Mrs. BIGGERT and Messrs. RUSH and VAN HOLLEN changed their vote from ''yea'' to ''nay.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 5349, PROTECT AMERICA ACT OF 2007 EXTENSION

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized.

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

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

Mr. Speaker, the intent of the original 1978 FISA law was to enhance Americans' security while at the same time protecting Americans' privacy. Recognizing that no responsibility of the Federal Government is more important than providing for the defense and security of the American people, Congress should be doing all it can to ensure that FISA continues to reflect the intent of the original law.

In the nearly 30 years since FISA became law, we have seen tremendous advances in communications technology, such as the Internet, cell phones, and e-mail. However, under the original FISA law, our intelligence officials are not free to monitor foreign terrorists, Mr. Speaker, in foreign countries, without a court order, because of advances, as I mentioned, in communications technology.

Mr. Speaker, let me repeat again: Because of advances in technology, our intelligence officials are not free to monitor foreign terrorists in foreign countries. It is clear that the law is outdated and must be modernized to reflect changes in communications technology over the past three decades.

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

In November, the House Democrat leaders brought legislation to the floor that does not go far enough to reform outdated FISA laws. It weakens Americans' privacy protection and fails to permanently close our Nation's intelligence gap. A bipartisan, permanent solution is needed that shows all Americans and our enemies that the United States is truly committed to closing our Nation's intelligence gap.

Yesterday, the Senate acted in a bipartisan manner by a vote of 68–29 to permanently close the terrorist loophole and ensure that intelligence officials are able to monitor communications of suspected terrorists overseas such as Osama bin Laden and other al Qaeda leaders. This commonsense solution would help keep our country safe from attack and should be acted on immediately and sent to the President to be signed into law.

Mr. Speaker, House Democrat leaders need to stop dragging their feet. They need to end their delaying tactics, indeed, to let the House vote on the Senate-approved measure. Today, I am going to give Members of the House an opportunity to support the bipartisan measure that the Senate passed just yesterday. If the previous question is defeated, I will amend the rule to allow the House an opportunity to concur with the Senate amendments. By approving the Senate amendments, the bill can become law before the current extension expires in just a few days.

We don't need to close the terrorist loophole just temporarily, Mr. Speaker. We need to close it permanently and update our Nation's surveillance laws in order to protect our Nation from another terrorist attack.

Mr. Speaker, I urge my colleagues to vote against the previous question so that we can permanently close the loophole.

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

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

I thank my colleague from Washington for his insightful history on the FISA bill. I would submit that I agree with him that the FISA bill is necessary for the security of America. No one questions that. No one on our side of the aisle questions that. The question that we do have is does the Senate bill actually take away some of the liberty that is so necessary to the American people.

All we are asking for is an extension of 21 days. When you think about it in the grand scheme of things, 21 days to make a determination whether or not this bill continues to give the American people the liberty that they have had for over 200 years, that is not a lot to ask for. I would much rather have 21 days, keep the bill in effect but extend it for 21 days, knowing full well that the end product is something that not only ensures our security but guarantees our liberty.

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

□ 1130

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Michigan (Mr. HOEKSTRA), ranking member of the House Intelligence Committee.

Mr. HOEKSTRA. I thank my colleague for yielding.

I think they are absolutely right, we need to take a look at this in the bigger context. We have to set the stage for how we got to this point.

It's September 12, 2001. The President is meeting with his advisers. They're trying to identify exactly what this threat is from al Qaeda, how serious is this threat, what other activities or attacks might they be planning against the United States. And the President says: I need my intelligence and military folks to get the answers to these kinds of questions. Tell me what the threat is and tell me what the tools are that I need to implement to keep America safe.

They come back with a series of recommendations, saying here's what we know, here's what we don't know about the threat. They come back and say, here are the different options that are available to us to get the information that might be able to answer some of these questions.

The President and his leadership team consider the various options. They say, you know, we need to bring Congress into this to take a look at exactly what tools we're going to implement and make sure that we do this in a bipartisan basis and we do it in a basis that is consistent with American values and American law.

On October 25, the President and Vice President convene a meeting. The President's national security team comes up and they say, here's the tool that perhaps can be used. The chairman of the House Intelligence Committee is there. The Chair of the Senate Intelligence Committee is there. The ranking minority member of HPSCI is at the meeting. She's accompanied by the vice chairman of the Senate Intelligence Committee. That's right. Back in October of 2001, the Speaker of the House was briefed on the various tools that could be used to keep America safe.

November 14, 2½ weeks later, the chairman of HPSCI, the ranking member, yeah, that's right, the current Speaker of the House, was briefed on the tools that were available and could be used, the chairman of the Senate Intelligence Committee, the vice chairman.

March of 2002, the chairman of HPSCI, the ranking minority member of HPSCI, that's right, the current Speaker of the House, was in the meeting.

June of 2002, the chairman of HPSCI, the ranking minority member of HPSCI, that's right, again, the current Speaker of the House is brought in, is briefed on this program, and said this is the tool that we want to use, this is the tool that we need to use to keep America safe.

Four times in about 9 months, the current Speaker of the House was briefed on this program, about what the tool was, the kind of information that we were expecting to get and, after a period of time, the information that we were collecting that would keep America safe.

I was not in those meetings. I was not one of the select group of people that was informed. You would think that they would say, what are the civil liberty implications of this? You know, how are we using these tools? Where does it fit within the legal framework of America to keep us safe? And who's going to be working on this program? Who do we need to partner with? And there might have been certain companies or individuals that were identified as saying, these folks are going to partner with us and have partnered with us because they can help provide us with the information that will keep us safe and do it in a legal way.

Since that time, and since this program became public, there has been all kinds of accusations out there. But the bottom line is, there may have been people, there may have been companies and corporations that, when the President and Congress went to them and said, we need your help to keep America safe, they may have stepped up to the plate and provided us with the assistance that we knew that on a bipartisan basis the executive branch and Congress said, we need to do this, and we need to do it in a way that protects civil liberties, and we need to do it in a way that is legal and consistent within the law.

And the bottom line is, this is dealt with in the Senate bill. They recognized the help. They don't throw these people under the bus after we asked them to help.

Mr. ARCURI. Mr. Speaker, I appreciate my colleague's passion on this issue. Certainly it is the type of issue that elicits real passion from people. But I think we as a body need to be sure that the steps that we take are deliberative and thoughtful. Certainly reacting to an issue such as this in a passionate way may deprive us of taking the necessary steps that we need to ensure that the liberty of our citizens is kept intact.

Again, I would just point out that this bill is asking for an additional 21 days within which Congress can continue to review the documents that we have asked for that we have only recently received to make a determination, again, a deliberative determination based upon facts and reasons and not on passion.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentlewoman from New Mexico (Mrs. WILSON), also a member of the Intelligence Committee.

Mrs. WILSON of New Mexico. Mr. Speaker, one of the most important laws that is preventing another terrorist attack in this country will expire on Friday. It expires on Friday.

My colleague from New York says, well, we just need to take enough time and be deliberative and so on. My colleague from New York didn't vote for the temporary fix that we passed in August. In fact, in an exchange with him that I remember so well, he questioned whether we should extend the constitutional protections of the fourth amendment to people who are foreigners in a foreign country talking to each other.

The temporary fix that we made in August needs to be made permanent, and we need to move forward with a permanent law that allows our intelligence agencies to listen to foreigners in foreign countries without a warrant while protecting the civil liberties of Americans. That's what we passed in August. That's what the Rockefeller-Bond bill does from the Senate, and they passed it last night. We passed a 6-month bill in August. We had 6 months to review this. And then when that deadline passed on the 1st of February, they said, well, just give us another 15 days. We gave them another 15 days and they said, well, we really haven't had the time to look at this paper.

You've had almost 7 months. The time is now to get serious about our national security and giving our intelligence agencies the tools they need to prevent the next terrorist attack.

The Senate passed the Rockefeller-Bond bill last night by a vote of 68–29. It makes permanent the authorities that we passed in August of last year to listen to foreigners in foreign countries without a warrant. We spy on our enemies. We try to find out what their plans are so that we can stop them from killing Americans.

That Rockefeller-Bond bill also provides protection from lawsuits for the American companies that stepped up to the plate when this country was in crisis. In good faith, those American companies partnered with the U.S. Government, under instructions from that government, from our own government, to move forward and to help us to prevent another terrorist attack. And, ironically, they cannot defend themselves against lawsuits because the government says to do so would violate state secrets. It would give away secrets to our enemies. So they're stuck in court not even being able to defend themselves.

The cooperation that is being protected here in the Rockefeller-Bond bill is long established in criminal law and should certainly extend to the national security realm.

Today, I circulated a letter from 21 bipartisan attorneys general supporting these lawsuit protection provisions. Our intelligence agencies and their partners in private industry need certainty, the telecommunications companies whom we depend upon to cooperate need certainty, and our intelligence agents need certainty that we're not going to keep operating our intelligence community on a month-to-month basis.

In August we closed an intelligence gap, a vital gap that has been now closed, and the changes that we made have already provided intelligence that the Director of National Intelligence, Admiral Mike McConnell, has said

have helped us to disrupt terrorist attacks.

Intelligence is the first line of defense in protecting this country against terrorism. I would urge my colleagues to allow a vote today on the Rockefeller-Bond legislation, do not allow this bill to expire, and stand up and protect this country.

Mr. ARCURI. Mr. Speaker, my colleague seems to be asking us to rely upon assurances given to us by this administration, this same administration that has told us about weapons of mass destruction, the same administration that told us that Iran was building a nuclear bomb. And then she asks why we are skeptical about taking the word of the administration.

As my colleague knows, the House passed the RESTORE Act last November. It was not until last night that the Senate passed a bill reauthorizing and reforming the Foreign Intelligence Surveillance Act. The bill is significantly different than the one we passed in November.

As is the case when the House and the Senate have differing bills, it is appropriate for the two to meet and reconcile their differences. That is exactly what we intend to do in a bipartisan and bicameral way.

However, as my colleagues also know, the President's preferred surveillance law is set to expire on Saturday. The underlying bill will extend that law for 3 weeks and give the House and Senate Judiciary and Intelligence Committees time to work toward a conference agreement. Additionally, it will also give our Members, Republican and Democrat, time to review reams of highly classified materials which were only provided to us by the White House in recent days, despite requests dating back all the way to May, 8 months ago. These materials are absolutely critical as the House considers the request which has been made by the White House to grant what amounts to a blanket transactional immunity to telecommunications companies who participated in the Bush administration's warrantless surveillance plan without any explanation of what that immunity is for. While the President has been quick to call on Congress to act, it is he who has continued to ignore countless congressional requests for information about the actions of his administration.

As a former State attorney, I know firsthand that not even a first-year prosecutor would even entertain the idea of granting immunity without knowing what that immunity is for and who that immunity is being granted to.

From his seat, the chairman of the Judiciary Committee noted last night in Rules that he cannot recall a time in his 45 years in the House when an administration has asked Congress to provide immunity to anyone or anything without telling us why. The House is not opposed to granting such immunity, but if we are going to act, then we need to know why.

Mr. Speaker, we are on the verge of passing long-term FISA reform, but it will take time because there are very real differences between the positions of the majority Members of this body and the Senate and the White House. Those who come to the floor today to delay this extension and engage in a manufactured obstructionism, which has become so symbolic of the congressional Republicans, are doing a great disservice to this Nation.

□ 1145

We will overcome this obstructionism, and we will use the next 3 weeks to reconcile our differences and come to the American people with a bill that protects our homeland without sacrificing our civil liberties.

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

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the former attorney general of the State of California, Mr. LUNGREN.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise to oppose this rule. Let's think about what we are talking about. The majority is asking us to extend for 21 days a bill that they don't support, a bill that they overwhelmingly voted against, a bill that they said harmed the American people, a bill that they said somehow doesn't protect civil liberties. Now, why do they want to extend it for 21 days if it is terrible? Perhaps there is some mischief in the air. Perhaps what they really want to do is to continue to kick this can down the road so that finally in the war of attrition we will give up and say, you know, those people who helped us, those companies referred to by Mr. HOEKSTRA that responded to a request by the United States Government to help us in our time of need, that is immediately after 9/11, we are not going to help them.

Remember what the greatest criticism of the 9/11 Commission was of government in all of its aspects, it was that we fail to connect the dots. What does that mean? We failed to put together intelligence information or to gather that intelligence information and put it together in a way that made sense that would give us a forewarning of what was about to take place. And they said it is not good enough to rely on the criminal justice system to gather evidence after the fact to prosecute somebody. No, in a war on terror what you want to do is to prevent the terrorist act in the first place.

So what we have here is a difference on that side of the aisle and this side of the aisle in which we believe a Good Samaritan law makes sense, a Good Samaritan law much like what we do to allow people to respond to an accident without having to fear that they will be sued for medical malpractice. And in some circumstances, does that mean that maybe one out of 1,000 times there might be medical malpractice for which you can't be sued? Yes. But we do it because the overall good of the country is enhanced by giving incentives to people to help their neighbor.

That is what happened here. We have either an incentive or a disincentive for companies and individuals to respond to their country and act in good faith. That is what is at stake here, whether or not we are going to be safer or whether or not we are going to play these political games to support a bill that you all voted against.

Mr. HASTINGS of Washington. I am pleased to yield 2 minutes to the gentleman from Texas (Mr. MCCAUL).

Mr. MCCAUL of Texas. Mr. Speaker, today Congress is engaged in an important debate, perhaps the most important debate certainly in recent years. Our most solemn obligation to this country is to protect the American citizenry.

In my view our colleagues on the other side of the aisle are playing a dangerous political game, and the American people are the pawns in this game. I bring to the Congress a unique experience. I worked in the Justice Department under the FISA statute. I have worked on national security wiretaps, and I can tell you that the statute was never intended to cover foreign targets in a foreign country. And if Osama bin Laden is on the phone calling into the United States, I think the American people want us to pay attention to that and to listen to that conversation.

Intelligence, good intelligence has stopped every threat to this country since 9/11. Intelligence is the first line of defense in the war on terror. Without that, we cannot prevail in this war on terror, and we need to protect the American companies who we ask to protect the United States and the American people.

They stood up to the plate, and it is our time to stand up to the plate and now protect them. They were doing their patriotic duty in a time of war when America asked them.

If we do not protect them, then what company, American or otherwise, will dare help the United States of America in its greatest time of need, in a time of peril, in a time of war.

Yesterday, the Senate passed the FISA bill, which included this immunity and also protects Americans. I say we put that bill on the floor, let's pass that bill and let's make the Protect America Act permanent. Now is the time, not 21 days from now, not several months from now. For the American people, let's pass and protect the American people now.

Mr. ARCURI. Mr. Speaker, I would submit to my colleague that the only dangerous political game that is being played here is the attempt to cast this as a political game. There is no such attempt being made by anyone in the Democratic Party. The only attempt we are making is to give us time to go through the material that has only recently been given to us with the simple objective of ensuring that we get a bill which keeps our country safe and guarantees the liberty of our people.

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

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to a Member who for 6 years was the chairman of the Subcommittee on Constitutions of the Judiciary Committee, the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I rise in strong opposition to this rule and to the underlying bill before us. Last August, Congress passed and the President signed into law a bill that provides our law enforcement and intelligence community with the tools needed to protect this country, to protect the United States.

The events of September 11, 2001, exposed gaps in our intelligence-gathering activities, particularly those occurring outside the United States. Since that tragic day, the administration has worked with Congress to ensure that every tool in our arsenal is available to those who are charged with keeping our country safe, including working with telecommunications companies and allowing officials to gather intelligence from potential foreign terrorists outside this country.

These two aspects of the PAA have been critical in protecting the United States from actual or potential terrorist attacks or sabotage. Oversight by the FISA Court and minimization procedures approved by the courts ensure that such activities do not go beyond their scope.

Last night, the Senate passed bipartisan legislation that would maintain these critical features enabling the intelligence and law enforcement communities to continue with its critical work.

I urge my colleagues to defeat this rule and immediately take up and pass the Senate bill so that law enforcement and the intelligence communities continue to have the necessary tools to keep the American people safe.

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

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. ROGERS), a member of the Intelligence Committee.

Mr. ROGERS of Michigan. Mr. Speaker, this is really almost going beyond the pale of irresponsible and getting into dangerous.

I used to be an FBI agent, and every day in this country there is an FBI agent who goes up to somebody, an average citizen, it may be a coworker, it may be a neighbor, it may be somebody who owns a small business, it might be somebody who owns a big business, and says, We need your cooperation to catch child pornographers, and here is the evidence. Will you cooperate with your Nation? And we do it every single day, and great Americans stand up every single day and say, Yes, I will. I will go after child pornographers with you. I will go after crack dealers selling the drugs to our kids with you. I will go after murderers who murder our children in the streets of America, and I will stand with you and cooperate so we can eliminate the dangers from our communities.

And you know what the government did? It went and said, Hey, to whatever business it was, small, big, large, we had people kill 3,000 people, murdered, on one day. And you know what, they are coming back. Will you cooperate with your government to stop the next round of murders?

But we play a very dangerous game. It is about civil liberties. Then why did we pass the bill before, and before that? Because there is civil liberty protection in this bill. It is a farce.

What is at risk here is the future certainty by our intelligence agencies and every single American who wonders: If I cooperate against a criminal of any sort, a terrorist, are they coming to get me next?

We need to refocus on who the bad guys are. It is not the companies who cooperated with their government. If you are a small business selling insurance or you are washing windows, it is the terrorists who threaten the lives of Americans.

We ought to be proud of every American who has the courage in a dangerous world to stand up and say: I will stand with you, United States of America, to get the true enemy, the bad guys, al Qaeda, terrorists, crack dealers, child pornographers, and everybody in between.

I urge the strong rejection of this rule, and let's get back to business and give them the tools to keep us safe.

Mr. ARCURI. Mr. Speaker, I think my colleague, you know, obviously raises a good point. As a former FBI agent, he was very concerned, he is very concerned, and he continues to be very concerned with doing the right thing, getting the people who are breaking the laws, hurting our children and who are putting our citizens in jeopardy. But no one in this Chamber has the market cornered on that. That is something that I think universally throughout this Chamber there is a strong desire to fulfill. That is why we are here. We are here to protect and defend our citizens and to protect and defend our Constitution, and that is all we are asking for today: 21 days to ensure that we are able to look over the recommendations, to look over the material that has recently been forwarded to us by this administration to ensure that we are not only protecting and securing this country, but rather that we are also doing it in a way that protects our liberty.

Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT), a member of the Intelligence Committee.

Mr. HOLT. Mr. Speaker, I thank the gentleman.

Mr. LUNGREN and others who have spoken are right in one respect, yes, most of the House of Representatives voted not for the Protect America Act but rather for a substitute that we passed, a very good piece of legislation, that would indeed protect Americans, known as the RESTORE Act. That passed the House. It should be the law.

We do not need the Protect America Act to protect Americans, the so-called Protect America Act. We do not need it to keep from going dark. But what we do need is the time and the attention to get this right. This is a serious, serious matter about protecting the safety of Americans but also about the definition, the relationship between the people of this country and their government.

There has been a fundamental shift under the Protect America Act in the relationship between the people of this country and their government. It is whether or not the government regards the ordinary American with suspicion first. Think about it.

The reason this country and our liberty has survived so well is because the government understands they are subservient to the people. The government has understood that they treat the people with respect, their bosses, and do not regard them with suspicion first.

To be able to seize, search, intercept without having to demonstrate to an independent judge that you know what you are doing is a sign of disrespect. It is a sign of suspicion. It is, in fact, a redefinition of the makeup of this country.

So if we need time to get this right, let's take the time. We don't need the Protect America Act to keep us from going dark, and I would argue we certainly don't need it, as they argue, to protect Americans from those who would do us harm. We have offered that protection in the RESTORE Act. Let's get this right.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to another member of the Intelligence Committee, the gentleman from Texas (Mr. THORNBERRY).

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

I think the comments from the last speaker are very enlightening on this debate because we have heard for month after month the same arguments made time and time again, and the bottom line is there are a number of Members who are not for these authorities that allow our national security professionals to listen to terrorist communications. And there are a number of people who would just as soon let the Protect America Act expire and let it go out of effect. As the gentleman who just spoke said, we don't need it to protect the country.

□ 1200

But there are others of us who believe that we do need such authorities to protect the country, and a very large number of Members of the other body have just voted on a proposal that would do that.

And so my position, Mr. Speaker, is give us a chance to vote on it. We hear

excuse after excuse. We need more documents, we need more information, we need more legal opinions, we need 14 days, we need 21 days. But we have been debating the same issues month after month. Nothing has changed. No more information, no document is going to change the basic position the country stands in today and, that is, a law expires on Friday, and if the people for whom we have given the responsibility to protect the country are to do their job, that law is going to have to be made permanent so they can count on it, not dribbling it out a few weeks at a time, not treating them the way we treat soldiers in Iraq and Afghanistan by giving them funding just a few months at a time, but giving them the authority they need to do their job.

I suggest the best way to do that is to bring up the bill that has already passed the Senate by an overwhelming bipartisan majority and give us a chance to vote on it. There will be some Members who vote ''no.'' They think we don't need that authority. They think the Protect America Act is not needed. But I suggest a majority will vote ''yes'' and it will pass and the country will be safer.

Mr. ARCURI. Mr. Speaker, I continue to reserve my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. FOSSELLA).

(Mr. FOSSELLA asked and was given permission to revise and extend his remarks.)

Mr. FOSSELLA. Mr. Speaker, I rise in opposition to the rule.

You know, kicking the can may be a fun game when there's nothing to do and there are no consequences at stake. But when it comes to national security and protecting the American people, providing the right tools to those on the front lines in the war against terrorism, kicking the can could be a fatal bargain.

Congress continues to kick the can down the road on a key tool that has kept this country safe since September 11. The other body closed a loophole in FISA that will ensure intelligence services have all the tools necessary to track terrorists overseas, terrorists who want to do us harm. Our Nation has not been attacked since September 11, in large part because of our ability to detect and disrupt terrorist plots before they've had a chance to carry out their evil acts. FISA is essential to those efforts.

Why do some ignore history? Why do some ignore the mindset of the likes of al Qaeda and others? Why do some want to weaken our ability to disrupt a terrorist attack before it occurs? Why do some put our soldiers, sailors, airmen and marines in harm's way or at risk?

Last year we modernized the Foreign Intelligence Surveillance Act only after the National Intelligence Director told Congress that we were ''missing a significant amount of foreign intelligence that we should be protecting to protect our country.'' What about those consequences?

Preventing the destruction of the Brooklyn Bridge is but one example. More tragically is the case of Specialist Alex Jiminez of Queens, New York. Last May, Specialist Jiminez was taken hostage by al Qaeda in Iraq. Information had been secured on one of the possible kidnappers, but intelligence experts were hamstrung by the outdated version of FISA. It prevented them from conducting surveillance on terrorists in a foreign nation without first obtaining a warrant. As the kidnappers acted, lawyers sat around a conference table here in Washington for 10 hours debating and drafting legal briefs to establish probable cause to conduct the surveillance. While the lawyers debated, losing precious time, Specialist Jiminez most likely was killed. They've yet to find the body and that of his colleague.

Let's stop kicking the can down the road. This is not a game we can afford to lose.

Mr. ARCURI. I thank my friend and colleague from New York for his statements.

Mr. Speaker, I would like to point out that the speakers on the other side continue to try to couch this argument in a way and frame it in such a way that makes it appear that people on our side, the Democrats, don't care about the security of this country in the way that they do. And it's obvious that nothing could be further from the truth.

Simply by extending the FISA bill for 21 days to ensure that we have all the information that is out there and all the information that is available and that we have an opportunity to go through it in a thoughtful way doesn't mean that we have less concern for security but, rather, an equal amount of concern for security and also for the liberty of the American people.

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

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

Mr. ARCURI. I have no further speakers.

Mr. HASTINGS of Washington. And so the gentleman is prepared to close after I close?

Mr. ARCURI. Yes, sir.

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

Mr. Speaker, the tragic events of September 11, 2001 taught us many lessons. One of the lessons we learned that day was that our Nation must remain aggressive in our fight against international terrorism. We must always stay one step ahead of those who wish to harm our fellow Americans. Now is not the time to tie the hands of our intelligence community. The modernization of foreign intelligence surveillance into the 21st century is a critical national security priority.

Mr. Speaker, I am very pleased that several of my colleagues on the other side of the aisle agree with that assessment. On January 28, 2008, less than 3 weeks ago, 21 members of the Blue Dog Coalition sent a letter to Speaker PELOSI in support of the Rockefeller-Bond FISA legislation. The letter states, and I quote, ''The Rockefeller-Bond FISA legislation contains satisfactory language addressing all these issues and we would fully support that measure should it reach the House floor without substantial change. We believe these components will ensure a strong national security apparatus that can thwart terrorism across the globe and save American lives here in our country.''

Mr. Speaker, that was a letter sent to Speaker PELOSI less than 2 weeks ago by the members of the Democrat Blue Dog Coalition.

CONGRESS OF THE UNITED STATES,
Washington, DC, January 28, 2008.

DEAR MADAM SPEAKER: Legislation reforming the Foreign Intelligence Surveillance Act (FISA) is currently being considered by the Senate. Following the Senate's passage of a FISA bill, it will be necessary for the House to quickly consider FISA legislation to get a bill to the President before the Protect America Act expires in February.

It is our belief that such legislation should include the following provisions: Require individualized warrants for surveillance of U.S. citizens living or traveling abroad; Clarify that no court order is required to conduct surveillance of foreign-to-foreign communications that are routed through the United States; Provide enhanced oversight by Congress of surveillance laws and procedures; Compel compliance by private sector partners; Review by FISA Court of minimization procedures; Targeted immunity for carriers that participated in anti-terrorism surveillance programs.

The Rockefeller-Bond FISA legislation contains satisfactory language addressing all these issues and we would fully support that measure should it reach the House floor without substantial change. We believe these components will ensure a strong national security apparatus that can thwart terrorism across the globe and save American lives here in our country.

It is also critical that we update the FISA laws in a timely manner. To pass a long-term extension of the Protect America Act, as some may suggest, would leave in place a limited, stopgap measure that does not fully address critical surveillance issues. We have it within our ability to replace the expiring Protect America Act by passing strong, bipartisan FISA modernization legislation that can be signed into law and we should do so—the consequences of not passing such a measure could place our national security at undue risk.

Sincerely,

Leonard L. Boswell, ———, Mike Ross, Bud Cramer, Heath Shuler, Allen Boyd, Dan Boren, Jim Matheson, Lincoln Davis, Tim Holden, Dennis Moore, Earl Pomeroy, Melissa L. Bean, John Barrow, Joe Baca, John Tanner, Jim Cooper, Zachary T. Space, Brad Ellsworth, Charlie Melancon, Christopher P. Carney.

Mr. Speaker, it is unfortunate that House Democrat leaders chose to bring a 21-day extension bill to the floor instead of the bipartisan measure that passed the Senate by a vote of 68–29. I

might add, Mr. Speaker, those Senators had the information that has been alluded to several times on the floor today.

To make our country safer, Congress needs to act. The House should vote on the Senate measure, but the Democrat leaders have chosen instead to use delay tactics. The only reason I can see, Mr. Speaker, that we are not voting on the Senate measure is the fear of the leaders on the other side of the aisle that this bipartisan bill will pass.

But today, I will attempt to give all Members of the House an opportunity to vote on this bipartisan, long-term modernization of FISA. I call on all my colleagues, including members of the aforementioned Blue Dog Coalition that signed the letter to Speaker PELOSI on January 28, to join with me in defeating the previous question so that we can immediately move to concur in the Senate amendment and send the bill to the President to be signed into law. We need to do that before the current law expires, making our Nation at greater risk.

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

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

There was no objection.

Mr. HASTINGS of Washington. I urge my colleagues to vote ''no'' on the previous question and give us an opportunity to vote on a bipartisan, permanent solution that closes this terrorist loophole in the FISA Act.

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

Mr. ARCURI. I thank my colleague from Washington for his comments.

Mr. Speaker, if we have learned anything since the terrorist attacks of September 11, it is that the balance between security and civil liberties is not only difficult, it's absolutely critical. Providing this 3-week extension will do nothing to block or hinder the efforts of our intelligence community. Quite the contrary, it enhances their ability to do their jobs effectively and ensures the integrity of their efforts because it gives us time to get these reforms right.

I want to remind my colleagues that voting to defeat the previous question is a vote to deny the administration the ability to utilize its existing authority under law to assess threats, gather intelligence and protect the freedom and security of every American.

Twenty-one days isn't a long time. And based on the sensitivity and public interest in this issue, we owe that to the American people and the framers of the Constitution to strike a fair balance that allows us to protect the civil liberties of Americans and to provide the administration the tools and resources to protect our Nation from another terrorist attack. Twenty-one days is a fair request.

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

Mr. SAXTON. Mr. Speaker, I rise in opposition to this 21-day extension to FISA. If Congress does not act this week, critical tools that allow our intelligence officials to monitor terrorist communications overseas will expire. We not let that happen!

As we all know, yesterday, the Senate approved a comprehensive, long term, bipartisan bill by a vote of 68–29 to close the terrorist loophole in our intelligence laws. Their bill represents a strong compromise between Congress and the Administration. It is a responsible plan for protecting our nation against the threats of terrorism.

The intelligence community needs a long-term fix to gaps in our intelligence laws—not a 21-day delay. After 7 months of stalling and a 15-day extension, passage of another short-term extension is irresponsible, when we have a long-term solution ready to be voted on.

The Senate has passed a strong, bipartisan bill. The House must now act quickly to pass the Senate's bill and send it to the President. Failing to do so is effectively failing to protect our country.

I urge my colleagues to vote against this extension, and instead immediately pass the Senate's version of the bill so we can send this important bill to the President.

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

AMENDMENT TO H. RES. 976 OFFERED BY MR. HASTINGS OF WASHINGTON

(1) Strike ''That upon the adoption of this resolution it'' and insert the following:

''That upon adoption of this resolution, before consideration of any order of business other than one motion that the House adjourn, the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes, with Senate amendment thereto, shall be considered to have been taken from the Speaker's table. A motion that the House concur in the Senate amendment shall be considered as pending in the House without intervention of any point of order. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the Majority Leader and the Minority Leader or their designees. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

''Sec. 2. It''.

(2) Redesignate section 2 as section 3.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adopting the resolution.

The vote was taken by electronic device, and there were—yeas 210, nays 195, not voting 23, as follows:

[Roll No. 48]

YEAS—210

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

NAYS—195

Aderholt
Akin
Alexander
Altmire
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
Carney
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.
Donnelly
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hayes
Heller
Hensarling
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
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—23

Bishop (GA)
Clay
Doolittle
Doyle
Engel
Gilchrest
Herger
Hinojosa
Honda
Jones (OH)
Lowey
Marchant
Mitchell
Ortiz
Pickering
Pryce (OH)
Renzi
Reyes
Ruppersberger
Ryan (OH)
Towns
Waxman
Wynn

□ 1237

Messrs. SULLIVAN and DONNELLY changed their vote from ''yea'' to ''nay.''

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

So the previous question was ordered.

The result of the vote was announced as above recorded.

Mr. HASTINGS of Washington. Mr. Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MR. ARCURI

Mr. ARCURI. Mr. Speaker, I move to table the motion to reconsider.

The SPEAKER pro tempore (Mr. HOLDEN). The question is on the motion to table.

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

RECORDED VOTE

Mr. HASTINGS of Washington. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 206, noes 194, not voting 28, as follows:

[Roll No. 49]

AYES—206

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

NOES—194

Aderholt
Akin
Alexander
Altmire
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
Carney
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.
Donnelly
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam

Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
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)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—28

Berkley
Bishop (GA)
Doolittle
Doyle
Emanuel
Engel
Gilchrest
Herger
Hinojosa
Honda
Jackson-Lee (TX)
Loebsack
Lowey
Marchant
McDermott
Meek (FL)
Neugebauer
Ortiz
Pickering
Pryce (OH)
Renzi
Reyes
Ruppersberger
Ryan (OH)
Towns
Walsh (NY)
Waxman
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1244

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. EMANUEL. Mr. Speaker, I was absent from the Chamber for rollcall vote 49. Had I been present, I would have voted "aye."

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

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

RECORDED VOTE

Mr. HASTINGS of Washington. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 206, noes 199, not voting 23, as follows:

[Roll No. 50]

AYES—206

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

NOES—199

Aderholt
Akin
Alexander
Bachmann
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)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Holt
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
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
Wu
Young (AK)
Young (FL)

NOT VOTING—23

Bachus
Bishop (GA)
Doolittle
Doyle
Engel
Gilchrest
Gillibrand
Hinojosa
Honda
Hooley
Lowey
McIntyre
Ortiz
Pickering
Pryce (OH)
Renzi
Reyes
Ruppersberger
Ryan (OH)
Towns
Waxman
Welch (VT)
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1254

Mr. SHULER changed his vote from "aye" to "no."

Mr. CUMMINGS changed his vote from "no" to "aye."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

Mr. HASTINGS of Washington. Mr. Speaker, I move to reconsider the vote on the resolution.

MOTION TO TABLE OFFERED BY MR. ARCURI

Mr. ARCURI. Mr. Speaker, I move to table the motion to reconsider.

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

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

RECORDED VOTE

Mr. HASTINGS of Washington. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 210, noes 195, not voting 23, as follows:

[Roll No. 51]

AYES—210

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers

Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Dicks
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—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)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
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—23

Bishop (GA)
Dingell
Doolittle
Doyle
Engel
Gilchrest
Gillibrand
Hinojosa
Honda
Lowey
Ortiz
Pascrell
Peterson (MN)
Pickering
Pryce (OH)
Rangel
Renzi
Reyes
Ruppersberger
Ryan (OH)
Towns
Waxman
Wynn

□ 1303

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

MOTION TO ADJOURN

Mr. HASTINGS of Washington. Mr. Speaker, I move that the House do now adjourn.

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

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

RECORDED VOTE

Mr. HASTINGS of Washington. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 3, noes 395, not voting 30, as follows:

[Roll No. 52]

AYES—3

Hastings (WA)
Johnson (IL)
Young (AK)

NOES—395

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

Walberg	Watt	Wilson (OH)
Walden (OR)	Weiner	Wilson (SC)
Walsh (NY)	Welch (VT)	Wittman (VA)
Walz (MN)	Weldon (FL)	Wolf
Wamp	Weller	Woolsey
Wasserman Schultz	Westmoreland	Wu
Waters	Wexler	Yarmuth
Watson	Whitfield (KY)	Young (FL)
	Wilson (NM)	

NOT VOTING—30

Allen	Honda	Renzi
Bachus	Lowey	Reyes
Bishop (GA)	McCrery	Ruppersberger
Doolittle	Musgrave	Rush
Doyle	Napolitano	Ryan (OH)
Engel	Ortiz	Towns
Gilchrest	Pascrell	Turner
Gutierrez	Pickering	Udall (CO)
Higgins	Pryce (OH)	Waxman
Hinojosa	Rangel	Wynn

□ 1321

Mr. POMEROY changed his vote from ''aye'' to ''no.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROTECT AMERICA ACT OF 2007 EXTENSION

Mr. CONYERS. Mr. Speaker, pursuant to House Resolution 976, I call up the bill (H.R. 5349) to extend the Protect America Act of 2007 for 21 days, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5349

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

SECTION 1. 21-DAY EXTENSION OF THE PROTECT AMERICA ACT OF 2007.

Section 6(c) of the Protect America Act of 2007 (Public Law 110-55; 121 Stat. 557; 50 U.S.C. 1803 note) is amended by striking ''195 days'' and inserting ''216 days''.

The SPEAKER pro tempore. Pursuant to House Resolution 976, debate shall not exceed 1 hour, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence.

The gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes, and the gentleman from California (Mr. THOMPSON) and the gentleman from Michigan (Mr. HOEKSTRA) each will control 10 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5349.

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

There was no objection.

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

Members of the House, the temporary FISA law we enacted in haste as a stopgap last August expires Saturday. We want to replace that law with a well-considered one which appropriately addresses both our security needs and our constitutional values.

The House passed a version of that well-considered law in my view in November, the RESTORE Act. We have been waiting for the Senate to pass its version so that we could compare it with ours and decide together on the best course of action. We have also been waiting on access to classified documents regarding what telecom companies may have done in recent years to assist our government with surveillance on United States citizens outside the bounds of law at that time.

The 15-day extension we passed 2 weeks ago was intended to give us time to consider the Senate bill, thought to be on the verge of passing, and to review the classified documents. Unfortunately, it has turned out not to be enough time.

The Judiciary Committee members, 38 in number, have not all seen the documents. We have only had clearance for 19 of those members to gain that access to the classified documents that we have been asking for for over 1 year. The review process is unavoidably somewhat cumbersome and inefficient. Even today, as I stated in my letter to the White House, we still do not have access to numerous critical legal documents. In addition, those documents that we have reviewed have left many of our questions unanswered and, as a matter of fact, raised a number of new ones.

Moreover, the Senate has just passed its version of a long-term surveillance law. It differs from the House version in ways that may have major ramifications on the freedoms that we cherish.

So we need a bit more time. The measure before us will give us 3 weeks, 21 days, not much time in the view of some, but enough, I believe, to permit us to reach an appropriate resolution on this matter of utmost importance. Therefore, your Committee on the Judiciary comes before you to urge support for this short-term extension.

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

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly oppose H.R. 5349, which extends the Protect America Act for 21 days. Another extension is unacceptable and unnecessary.

Last August, Congress enacted the Protect America Act to close a dangerous loophole in our ability to collect foreign intelligence. The Democratic majority insisted on an arbitrary 6-month sunset. But instead of using that time wisely, they ignored the needs of our intelligence community and passed a partisan, unworkable bill, the RESTORE Act. Then, 2 weeks ago, the House Democratic majority insisted on another extension. Again they squandered the last 2 weeks. Now House Democrats want more time. But their time is up.

We know from Admiral McConnell, Director of National Intelligence, that before Congress enacted the Protect America Act, the intelligence community was missing two-thirds of all overseas terrorist communications, endangering American lives.

Some in Congress are willing to let the Protect America Act expire because ongoing surveillance under the act can continue for up to a year. This might be acceptable if the terrorist threat also expired this weekend, but it doesn't. If the act expires, we will return to the status quo, unable to begin any new foreign intelligence surveillance without a court order, again threatening America's counterterrorism efforts.

Another extension represents a failure by the House Democratic majority to protect the American people. The Senate understands this. The intelligence community needs a long-term bill to fix gaps in our intelligence laws, not a 21-day extension.

The Senate bill addresses the concerns of our intelligence community and has strong bipartisan support. But House Democrats are at war with themselves and at odds with the American people. House Democrats disagree with the Senate Democrats and House Democrats disagree among themselves. One group wants to approve the bipartisan Senate bill and another opposes it.

Americans are tired of this kind of partisanship in Washington. Now we have partisanship within partisanship within the Democratic Party. House Democrats disagree among themselves, disagree with Democrats in the Senate, and oppose a bipartisan bill that passed yesterday with overwhelming support by a vote of 68–29.

The House Democratic leadership is like a clock that runs backwards. They keep going in counterclockwise circles to the left. Unfortunately, we can't turn the clock back on terrorists. We must act to gather intelligence on terrorists and prevent another attack.

Why do we keep delaying our ability to protect American lives? Another extension represents a failure to act, a failure to lead, and a failure to protect our country. It doesn't take long to do what is right. Let's stop the stalling and pass the bipartisan Senate bill.

I urge my colleagues to reject this extension and urge the Democratic leadership to allow the House to consider the bipartisan Senate bill.

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

□ 1330

Mr. CONYERS. Mr. Speaker, I recognize the gentlewoman from California, JANE HARMAN, a long-time member of the Intelligence Committee who now on Homeland Security chairs the subcommittee that handles that same subject, for 4 minutes.

Ms. HARMAN. I thank the gentleman for yielding.

Mr. Speaker, as we discuss a short extension of the Protect America Act in order to hammer out a bicameral agreement with the Senate which just passed its bill last night, thousands of intelligence agents are working hard around the world in undisclosed locations, unaccompanied by their families, to prevent and disrupt dangerous threats against our country. Once again, let me say ''thank you'' to them, and let me say that every Member of this Chamber thanks them for their service and prays for their safe return.

This debate is not, as some on the other side want to characterize it, about Democrats wanting to coddle terrorists. We emphatically do not. We want to capture or kill them. It is beyond cynical to suggest otherwise. This debate is not about whether we want court orders for foreign-to-foreign communications between terrorists. We do not. Or whether we are opposed to responsible changes to FISA. We all support responsible changes to FISA.

This debate is about whether the careful framework in FISA, which has lasted three decades while letting us pursue terrorists while protecting constitutional freedoms, will survive.

The bill the Senate passed late yesterday, in my view, is unacceptable. I am mindful that there was a substantial bipartisan majority for it, but some in my party and some in the other party who voted for it tried mightily to improve it and lost. If we have 21 more days, we can consider some of their amendments here and, I would hope, pass them. If we cannot fix the Senate bill, I will oppose it if it comes up for a vote in the House.

Yes, I was one of a small group of Members briefed on the terrorist surveillance program between 2003 and 2006. But those briefings, until the program was publicly disclosed in late 2005, were about operational details only. I never learned that the administration was not following FISA, and I think that was wrong. And that is why for 3 years I have worked my heart out to fashion responsible bipartisan agreement on the need for the terrorist surveillance program to comply fully with FISA. This fall, I urged repeatedly for bipartisan negotiations which, sadly, never happened. It may now be too late, but I am ''go'' for one more try.

I say to the intelligence officers mentioned at the outset of my remarks, to my colleagues, and to the American people, we need to conduct surveillance of foreign terrorists, but we must do it within the rule of law. With a clear legal framework, they are empowered to do their job better and from that we will all benefit.

In August, the House was jammed by the Senate into passing ill-advised legislation. I opposed it, and said we did not want to watch the same movie again in 6 months. Well, here we are for the sequel. But this time we must object, and I do object. We can and must do better.

Mr. HOEKSTRA. At this time I yield 3 minutes to my colleague from Kansas (Mr. TIAHRT), a member of the Intelligence Committee.

Mr. TIAHRT. I thank the gentleman from Michigan.

Mr. Speaker, I am opposed to this bill, and I am extremely concerned about our national security and deeply troubled that our intelligence community has been prevented from doing the job they need to do to protect Americans.

We do not need another delay of much needed FISA improvements. The Senate passed a bipartisan comprehensive FISA bill 68–29. That is the bill that we should be voting on today, and not this temporary extension. It is not the bill that I would have written, but it does give our intelligence community many important tools they need to protect our Nation. Instead of taking up a perfectly good, well-thought-out bill, we have another delay tactic by the House Democratic leadership that insists on catering to special interest groups like the trial lawyers and the hard left of the Democrat Party.

Mr. Speaker, we have had leaks in the way we collect information on individuals through electronic conversation; we have had leaks about how we collect e-mails on terrorist Web sites; we have had leaks that have caused our allies in Europe to no longer cooperate when it comes to tracking terrorist financing. Instead of prioritizing arguably the most important security issue, the majority party has delayed and failed to focus on how we can help the community in the 21st century against enemies who utilize the latest technology against our country.

As a member of the House Permanent Select Committee on Intelligence, I have been very disturbed this past year to see the anger against our President cloud the judgments of its members. In an effort to embarrass the President, they have weakened our intelligence gathering capabilities and caused long-term damage to the security of this Nation. We do not monitor phone conversations like we should, we do not monitor e-mails like we should, or finances like we should. And the enemy knows it. It is time for us to strengthen and not weaken the terrorist surveillance program. Enough is enough.

We all know that if we simply pass an extension for 21 days, it doesn't solve the problem. It is time for us to stand up and force the Democrat leadership of this House to do their job and bring the FISA modernization bill before this body, the one that was passed by the Senate by a wide margin, so that the intelligence community can have every tool at its disposal to protect the United States.

The Director of National Intelligence Mike McConnell, the man in charge of overseeing the intelligence community, has repeatedly told us of the urgency to modernize the FISA law. He said, ''We must urgently close the gap in our current ability to effectively collect foreign intelligence. The current FISA law does not allow us to be effective. Modernizing this law is essential for the intelligence community to be able to provide warning of threats to this country.''

Mr. Speaker, what the Senate passed does exactly what Mr. MCCONNELL talked about. We should bring that vote to the floor and vote it up or down.

Mr. THOMPSON of California. Mr. Speaker, I yield my time to the gentleman from Michigan (Mr. CONYERS) and ask unanimous consent that he may control that time.

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

There was no objection.

Mr. CONYERS. I am pleased now, Mr. Speaker, to recognize the chairman of the Constitution Committee on the House Judiciary Committee, Mr. JERRY NADLER, for 4 minutes.

Mr. NADLER. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 5349, a 21-day extension of the existing FISA Act to provide Congress the time to work out the differences between the two Houses on this very important matter. It is a question of our Nation's security and it is a question of our Nation's values. We should not be stampeded into action when there is no need. This administration has the ability to monitor terrorists, and extending current law for 21 days will not remove that ability.

What this debate is really about is whether national security wiretapping should be subject to judicial and congressional oversight, as the bill that we passed last November, the RESTORE Act, provides and as traditional American values insist on, or whether the administration, any administration, can be trusted to police itself, whether American citizens' liberty should be subject to the unreviewable discretion of the Executive as the Protect America Act and the Senate-passed bill provide.

Also at stake is the question of so-called telecom immunity. We know what they are asking. They are asking that the lawsuits against the telecommunications companies for participating in the warrantless surveillance program, allegedly in violation of the FISA law, be foreclosed.

Now there are only two possibilities. There are two narratives: Either the telecom companies nobly and patriotically assisted the administration against terrorism. That is one narrative. Or the telecom companies knowingly and criminally participated in a criminal conspiracy in violation of the law, aiding and abetting a lawless administration to violate Americans' liberties and privacy rights against the Constitution and against the FISA Act. I believe it is the second. But it's not up to me or up to anybody else here to

decide that. That's why we have courts. Courts determine questions of law and fact. People are out there who believe their rights were violated. They've brought a lawsuit. Let the lawsuits continue. Let the courts decide whether the telecom companies acted properly or acted in violation of the law. It is not the job of Congress to foreclose that judgment.

We have been told: If we pass telecom immunity and if we fail to control abuse of the state secrets privilege that has been abused by the administration to prevent the courts or the Congress from reviewing what they have done, there will be no mechanism in the courts or in the Congress to know, let alone to control, what the Executive is doing. The separation of powers established by the Constitution to protect our liberties will have been destroyed. That way lies the slow death of liberty. It must not be permitted.

We have been told by this administration, Trust us. I'm not in a very trusting mood these days, nor should we ever trust any administration without judicial and congressional oversight.

I remind everyone here that there is a bill that passed this House, the RESTORE Act, last November. The Senate finally got around to passing a bill yesterday. Now we are being told we should have no time to work out the differences as we normally try to do, we must take the Senate bill sight unseen. Frankly, that's an insult to every Member of this House and to the prerogatives of this House. We passed a bill. They passed a bill. We should have 21 days to work out the differences. American liberty is depending on this, and the integrity of this House depends on this. I urge passage of this bill.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), former chairman of the Judiciary Committee.

Mr. SENSENBRENNER. I thank the gentleman from Texas. Mr. Speaker, I rise in opposition to this legislation.

Yesterday, the other body passed the FISA bill by a vote of 68–29. I don't understand why House Democrats refuse to bring this bill to the floor, sponsored by Senator ROCKEFELLER. It makes no sense to block its consideration for another 21 days. Why do we keep extending the terrorist loophole? It's imperative that the House pass the Senate bill today.

The Rules Committee last night rejected a Republican amendment to vote on the Senate-passed bill, and then the committee refused to allow the Senate-passed bill as a motion to recommit this afternoon. The majority knows that the American people support long-term legislation to keep our country safe. And I guarantee that the Senate bill would pass the House by a wide margin if the Democratic majority would let the House vote on it.

Instead of passing the Senate bill, we continue to waste time on legislation of little consequence. The FISA bill expires on Friday. There is no more time to waste. We passed a temporary fix last summer and another extension earlier this year. There has been plenty of time to review this and to come up with a permanent fix. If we keep on passing these extensions, we're never going to get a permanent bill, and Americans are in jeopardy.

This majority's charade of passing short-term extensions has gone on long enough. President Bush will veto another extension, and the Democrats will have no one to blame but themselves. It's time for the majority to stop playing political games. We have had plenty of time to debate this issue. The Senate finally got it right, and it's time that the House does the same.

Our intelligence community needs the certainty of a long-term bill to protect the Nation. The Senate bill will continue to give our intelligence agencies the tools they need to keep us safe. I urge my colleagues to reject the 21-day extension up now and to pass the Senate's bipartisan FISA bill today.

Mr. CONYERS. Mr. Speaker, I am pleased now to recognize the gentlewoman from Texas, SHEILA JACKSON-LEE, a distinguished member of the Judiciary Committee and a subcommittee chairman on Homeland Security, for 3 minutes.

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman of the Judiciary Committee, and I want to personally thank him for the extensive work we have done to secure America and as well to protect the civil liberties of all Americans.

I hold in my hand the Constitution of the United States embedded in this book. When you think of the term ''embedded,'' you think of the concerns regarding the Iraq war. You think of the concerns of terrorism. You might even think of the concerns of embedded press who have been able to travel with our soldiers. But in this instance, I am saying that deeply embedded in the hearts of Americans is a concept of the Constitution that protects their civil liberties.

□ 1345

I think it is important to note that in fact a bill has been passed so many months ago. And I will not argue about the integrity of this place, for many have raised that question, that we should have the privilege of reviewing the legislation of the Senate, and that privilege is necessary.

But I think there is a larger argument, more expanded argument, and it must be clarified that we have not dillydallied. We have not delayed. We have, in fact, been meticulous in making sure that we have balanced a new FISA law, updating it, and also providing that protection, that firewall for Americans.

How many of you would have known that initially the administration came to us and suggested that while they are surveilling someone on foreign soil, if it kicks back to an American, your grandmother, your aunt, your uncle, yourself, because it kicks back in a sense that we are talking to someone on foreign soil but you happen to be on the other side of the phone, that that was okay?

But I offered an amendment, and that amendment is in the bill that the House passed, that we cannot tolerate reverse targeting; you must get a warrant. There must be an intervention, and I am glad to say it is in the Senate bill.

Yet there is a major question that the Senate bill has not addressed, and it is the fact that many, many people's rights were violated in the course of the old law when the government went straight to the private sector and told them you have to do this and so many persons who were innocent were violated by surveillance. Now these companies, of which I have great respect, I believe they are part of the economic engine of this Nation, want us to interfere in the legal system, for many of these companies are now being sued retroactively, if you will, or being addressed for the grievance they did against an American citizen.

Who are we to stop the normal legal process? If one of these corporations has a defensible defense, the judges will rule for them. If they were following the law or they have a defense or were relying upon representations made by officials of the Federal Government, I can assure you that a court of law will give them their relief. Why are we interfering where citizens of the American society believe that this Constitution and their rights have been violated?

So to my friends who want to provide a scare tactic, let me say to you all this legislation does today is to ensure you will be safe by extending the existing law. Hopefully we put notice on corporations that they should not be violating the civil liberties of Americans, and clearly I will tell you, as a member of the Homeland Security Committee, that none of us stand in this well to jeopardize the safety and security of the American people. Let us dispense with that myth altogether.

What is important is that when we finally design a bill that is going to be entrenched in law, it must be in compliance with the Constitution that is embedded in this bill. It is not today. I ask my colleagues to enthusiastically vote for the extension because I believe in security and the rights of all Americans.

Mr. HOEKSTRA. I yield 2 minutes to the gentleman from New Jersey (Mr. SAXTON).

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to Mr. SAXTON.

Mr. SAXTON. Mr. Speaker, I rise in opposition to this legislation.

Mr. Speaker, some years ago as I was working to have a subcommittee on the Armed Services Committee established on terrorism, I was making the rounds among my party's leadership. I

made the case about why I thought we needed, and of course this was before 9/11, a subcommittee on terrorism. And I will never forget, one of my good friends told me that he thought, he said, JIM, he said, I think you and your friends see a terrorist behind every bush.

Unfortunately, Mr. Speaker, it seems to me that the Democratic majority leadership has adopted that same frame of reference. There is not a terrorist behind every bush, but they present a clear and present danger. We were told so as late as today by representatives of the Intelligence Committee.

Passing a 21-day extension simply continues the uncertainty in the intelligence community, the uncertainty in the telecommunications community, and uncertainty among the American public itself.

Just yesterday, as it has been said here several times, the Senate approved a comprehensive, long-term, bipartisan bill by a vote of 68–29 to close the terrorist loophole in our intelligence laws. Their bill represents a compromise between Congress and the administration. It rightly restores the original intent of the FISA by ensuring that intelligence officials can conduct surveillance on foreign targets without a court order while still protecting the civil liberties of the American people. It also grants liability protection to telecommunications companies that helped the government after September 11. Allowing these companies to be subjected to frivolous lawsuits threatens their future cooperation, which could cripple America's counterterrorism efforts.

The Senate bill is a responsible plan for protecting our Nation against terrorist threats. Many times the Senate sends bills over here and they are very shortly passed by the House. The House must act quickly on the Senate's bill, as well, and send it to the President so he can sign it. Failing to do so is effectively failing to protect our country and American citizens.

Therefore, I urge my colleagues to vote against H.R. 5349 and instead immediately pass the Senate's version of the bill so we can send this important bill to the President.

There may not be, Mr. Speaker, a terrorist behind every bush, but they, today, present a clear and present danger.

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

Mr. Speaker, I rise disappointed that the President of the United States is attempting to short-circuit the legislative process and force Congress into an impulsive decision by vowing to veto this short-term extension before us now that would permit us to legislate responsibly.

It is beyond me how the Chief Executive of this country who truly wants an effective FISA reform, who truly cares about enacting sound legislation to protect Americans' lives and liberty, who truly respects the prerogatives of Congress in shaping that legislation, could seriously threaten us with the prospect of vetoing this legislation.

It is especially disturbing to think that he might refuse to accept a brief extension of his own surveillance program in order to ramrod a decision his way on telecom immunity before we can know what it is we are giving immunity to.

I am also disappointed that some of my friends, Members of the minority, whom I have always considered to be responsible legislators, have spoken today in support of the President's attempt to once again bludgeon us to enact sweeping new wiretapping powers for the executive branch without giving the legislative branch the time to ensure that the way it is done holds true to our most cherished American values.

I hope that these few observations do not reflect widely shared sentiments in the minority, and I would hope that we would not lend credence to the President's veto threat. I don't think we should have to legislate under that kind of intimidation. It amounts to a demand that we abandon and abdicate our sworn constitutional duty.

I hope that we would all agree that we need to consider FISA reform responsibly with the care it deserves, with the importance that every American attaches to it, and to preserve the prerogatives of the House to have our voice heard.

This demand that we act irresponsibly reflects no credit upon the process. We should instead remind him that we are the legislative branch and remind him that he must show some patience and allow the Congress to responsibly work its will.

If the President were to veto this brief extension of his own surveillance program and if that in any way compromises our national security, no amount of political blustering would change the fact that it would be him who has put our Nation at risk by refusing to participate responsibly in the legislative process.

Now, I can't truly imagine that happening. I hope that with a strong bipartisan vote for this commonsense, temporary measure, we can convince our President to help us take this responsible step to ensure that Americans are appropriately protected against threats to their liberty as well as threats to their security. I hope that the result of this discussion will turn into a sound bipartisan vote in support of this measure.

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

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from California, Mr. LUNGREN, a member of both the Judiciary Committee and the Homeland Security Committee.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I thank the gentleman from Michigan, the chairman of our committee, for clarifying what this is all about. In his statement he just said that the President is trying to force us to accept this bill from the Senate so that there can be immunity granted to those communications companies that responded in the affirmative when asked to help this country. So that is what it is. That's what this vote is all about.

You can talk about a 21-day extension. You can talk about wanting to work a little harder. You can talk about this and that, but essentially that is what this vote is. It is the question of whether or not we believe that we ought to grant to those who responded in the affirmative when requested by their country to assist in the aftermath of 9/11, to allow us to collect that kind of intelligence which would prohibit or prevent another 9/11, whether or not we are going to slap them in the face and say because you answered yes, you have to, in the words of the chairman of the Constitutional Law Subcommittee when this was brought up in the committee, let them do it themselves, they have millions of dollars of high-priced attorneys. Now, that's the response we are to tell the American people if asked in the future: Will you help in gathering information so that we can prevent another attack? And, oh, by the way, make sure that you have millions of dollars worth of high-priced attorneys to respond to whatever lawsuit might be out there.

Now, the question here is whether or not the majority is going to allow the majority to do its will. Why do I say that? Twenty-one Members of the Democratic side have sent a letter on January 28 to the Speaker saying they support the Rockefeller-Bond bill. Twenty-one Members. Now, I was never great in math, but I do know that 21 Members on that side of the aisle, added to our Members on this side of the aisle, are a majority in the House of Representatives.

So the question is: Will you allow the House to work its will? Will you allow the bill from the Senate, which 21 Members on your side of the aisle have signed a letter in support of, come to the floor so we can find out whether or not the majority of this House will support it?

We were denied that in the Rules Committee. We were denied that on two specific votes in the Rules Committee, and now the only way we can allow that vote to come up is if we defeat this bill and force those on the majority side and the leadership to allow the majority to work its will.

□ 1400

Interestingly enough, the gentlelady from Texas who just spoke talked about how we ought to support this bill. I remember in August when she stood in that very well and tore up a piece of paper and said this is what we're doing; we're shredding the Constitution by voting for the bill that was then on the floor. And now we're

supposed to understand that the other side wants us to have 3 weeks more of a bill which shredded the Constitution.

Let's understand what we're really doing here. Let's vote this down so we can vote on the bill that the majority of the people in this House and the majority of Americans support.

Mr. CONYERS. Mr. Speaker, I would grant myself as much time as I may consume.

I appreciate the discussion that we're engaging in, but at this point I rise to make the case that this is not a debate exclusively about immunity. There are other key differences that we should and, I think, want to consider.

For example, the Senate bill, which we've just examined, does not contain sufficient provisions to guard against reverse targeting of United States citizens. I think that's an important matter that needs our continued consideration.

The Senate bill permits surveillance to commence without judicial approval of the essential procedures that will be used to ensure that there's no surveillance of United States persons without appropriate individualized warrants. I think that's pretty important.

The Senate bill further does not require the Inspector General or the Justice Department to investigate the President's warrantless surveillance program. The House bill requires this investigation.

And so I don't think we need to be stampeded into a vote by threats from the executive or from the mathematical perfection of the other side in suggesting where the majorities ally in this body. The 21 signers of the letter are entitled to get some answers to these questions just as everyone else that didn't sign the letter are.

Mr. Speaker, I will insert into the RECORD at this point from cnn.com, ''Phone companies cut FBI wiretaps due to unpaid bills.''

[From CNN.com, Feb. 13, 2008]

PHONE COMPANIES CUT FBI, WIRETAPS DUE TO UNPAID BILLS

WASHINGTON.—Telephone companies have cut off FBI wiretaps used to eavesdrop on suspected criminals because of the bureau's repeated failures to pay phone bills on time.

A Justice Department audit released Thursday blamed the lost connections on the FBI's lax oversight of money used in undercover investigations. Poor supervision of the program also allowed one agent to steal $25,000, the audit said.

In at least one case, a wiretap used in a Foreign Intelligence Surveillance Act investigation ''was halted due to untimely payment,'' the audit found. FISA wiretaps are used in the government's most sensitive and secretive criminal investigations, and allow eavesdropping on suspected terrorists or spies.

''We also found that late payments have resulted in telecommunications carriers actually disconnecting phone lines established to deliver surveillance results to the FBI, resulting in lost evidence,'' according to the audit by Inspector General Glenn A. Fine.

More than half of 990 bills to pay for telecommunication surveillance in five unidentified FBI field offices were not paid on time, the report shows. In one office alone, unpaid costs for wiretaps from one phone company totaled $66,000.

The FBI did not have an immediate comment.

The report released Thursday was a highly edited version of Fine's 87–page audit that the FBI deemed too sensitive to be viewed publicly. It focused on what the FBI admitted was an ''antiquated'' system to track money sent to its 56 field offices nationwide for undercover work. Generally, the money pays for rental cars, leases and surveillance, the audit noted.

It also found that some field offices paid for expenses on undercover cases that should have been financed by FBI headquarters. Out of 130 undercover payments examined, auditors found 14 cases of at least $6,000 each where field offices dipped into their own budgets to pay for work that should have been picked up by headquarters.

The faulty bookkeeping was blamed, in large part, in the case of an FBI agent who pleaded guilty in June 2006 to stealing $25,000 for her own use, the audit noted.

''As demonstrated by the FBI employee who stole funds intended to support undercover activities, procedural controls by themselves have not ensured proper tracking and use of confidential case funds,'' it concluded.

Fine's report offered 16 recommendations to improve the FBI's tracking and management of the funding system, including its telecommunication costs. The FBI has agreed to follow 11 of the suggestions but said that four ''would be either unfeasible or too cost prohibitive.'' The recommendations were not specifically outlined in the edited version of the report.

A lot has been said about what some call patriotic phone companies. Are these the same companies that cut off the FBI FISA wiretaps because the FBI hadn't paid its phone bill? This is breaking news.

I ask that we examine this issue, and that we include it in the ones in the 21-day period. After all, we already have a FISA bill that will continue during the 21 days. Someone may have accidentally mischaracterized the fact that we will be without FISA protection if we don't act immediately. I don't think that's the case, and I think many of our colleagues on the floor at this time know that as well as I do.

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

Mr. HOEKSTRA. Mr. Speaker, I would like to yield 3 minutes to my colleague from the State of Michigan (Mr. ROGERS), a member of the Intelligence Committee.

Mr. ROGERS of Michigan. Mr. Speaker, I have such great respect for my fellow colleague and Michigander, Mr. CONYERS, for his work and passionate belief and where he stands.

I do worry about where we're at. And I hear the gentleman talk about the fact that we just don't have time, and we need more time. You know, today we're going to spend hours and hours grilling a professional baseball player about he said/she said activities in professional baseball. We spent an entire day on this floor this year trying to figure out how we're going to designate scenic trails in New England; 162 bills commemorating someone or something, 162 on the floor this year; 62 bills naming post offices.

I think, if we put this in perspective, this isn't about needing more time. This isn't about that. We've obviously wasted a lot of time.

Our Constitution, as so many people point to, says some pretty clear things to me. It makes sure that you stand tall and you take an oath to defend against all enemies, foreign and domestic. It's one of the most important things that we do in this body.

If we can find time to put Roger Clemens in a chair and grill him for hours and make a media circus about professional baseball, you'd think we could spend a few minutes protecting the United States of America. Instead what we do is we kind of fool around and wring our hands and say, I'm for national security but kind of, not really. But, hey, did you see these jangly keys? Professional baseball could be in trouble. It maybe works for my kids when they were 3 and in trouble, but it doesn't work for the American people, and it certainly doesn't work to keep us safe.

This isn't about the Constitution. Many of your Members came down here and said, we think this is unconstitutional, but give us 3 more weeks of unconstitutionality in the United States. If I believed that, as a former FBI agent, I wouldn't vote for it. It's wrong.

This is about white hats and black hats. It's about good guys and bad guys. It's about Good Samaritans. You know, there are ads on TV today where they go into high crime neighborhoods and say, It's okay for you to tell on criminal behavior. Please call the police. Please call the FBI. Please make a difference in your community.

Think of the confusing message we are sending today because we're hooked up on the size of the company. So if I go in as an FBI agent to find the address that a pizza delivery company has for a fugitive, should we go after them, too? Should we go after that pizza delivery guy for, out of the goodness of his heart, telling us where there is a fugitive who may have committed murder or have committed child pornography or been selling drugs and is in violation of the safety and security of his neighborhood, his community? No, of course not. And we shouldn't punish people who say, listen, I want to help the United States catch terrorists and murderers, and if you ask me and I'm in lawful possession of it, I'll share it with you. We do it in banks. We do it in small businesses. We knock on neighbors' doors every day in this country and say, Help us help protect your neighborhood, your kids and your family. Will you tell us what you saw? Will you tell us what you know? Will you tell us where this information leads us to? It happens every day.

This is about black hats and white hats, good guys and bad guys. Let's make sure we stand up today for every courageous American who stands up for the safety of the community of this United States. I don't care how big or

how small they are, we ought to stand with them and not make them the enemy.

Mr. CONYERS. Mr. Speaker, I reserve my time at this point.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GOHMERT), a member of the Judiciary Committee.

Mr. GOHMERT. Mr. Speaker, we've heard a number of things, what this is or isn't about. We're told it's not about the protections for the country, but it is about that. And I have great respect and admiration for our chairman, Mr. CONYERS.

But we were told, also, well, gee, the reason we need more time is the White House has delayed giving us documents. But if you really want to get to the bottom of this, you go back to August 4 when we took a vote on FISA being extended for a number of months. There was no immunity in there. There was no issue about is the President going to turn over documents. Forty-one Democrats voted for it, nine didn't vote, and all the rest voted against it. They were against the protections for this country and FISA.

Now, we need to try to eliminate risk to the country, not political risk to a party. And I understand sometimes you have Members that see the dangers to America, gee, that exposes the country to great risk and if we don't do something and something terrible happens, then we've exposed our party to terrible political risk. This shouldn't be about political risk. We need to do what's right for the country.

The chairman had said there are other key differences and there are. But those are important to note as well.

Our friends across the aisle somehow think it shreds the Constitution if we tap a terrorist in a foreign country and he calls an American. I've said it before and I'll say it again. The solution to that is not that we not tap into that known terrorist in a foreign country; it's that the friends of those concerned about this in America, tell your friends to have their terrorist buddies not call them at home. That's real easy. Then they don't have to worry about this bill.

But if terrorists that are known terrorists in foreign countries call them in this country, then they ought to be at risk for having them tapped. Once we know that there's somebody here, then they go get the warrant and that addresses it. But you cannot restrict it otherwise without doing great harm to our protection in America.

Mr. CONYERS. Mr. Speaker, I continue the reservation of time.

Mr. SMITH of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. PENCE), a member of the Judiciary Committee.

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I rise in opposition to H.R. 5349, a bill to extend the Protect America Act of 2007 for 21 days.

Now it's hard for me to come to this floor and oppose an extension of a bill that I support, and supported in a bipartisan manner, Mr. Speaker.

It was this summer, I believe last August, that Republicans and Democrats came together on the Judiciary Committee and worked out a solution for an extension that came to be known as the Protect America Act. And we've heard in the course of this debate, eloquently stated on both sides, what the issues are here. We have antiquated foreign intelligence surveillance laws. The technology that has exploded across the globe in the last 25 years has occurred without a significant updating of those laws that govern the means and the manner and the technology whereby we can collect intelligence. And so we find ourselves, essentially, as the hub of communications in the world in the United States of America. You've heard the percentages, the enormous amount of communications that pass through the United States of America. And yet we have this massive loophole in our intelligence surveillance laws that does not permit us to listen to a terrorist in one foreign country talking to a terrorist in another foreign country.

When we worked out the compromise this summer, it was built, Mr. Speaker, I believe, on an understanding between Republicans and Democrats that that ought not to be, we ought to solve that problem in an equitable and bipartisan way. And I was pleased to support that extension and legislation for a period of 6 months.

But what I struggle with today is now, in the aftermath of that, the contrast between the work in the House and the Senate is rather startling. Yesterday, the Senate approved a bipartisan bill supported by nearly 70 percent of the Senate to close the terrorist loophole in our intelligence laws. It represented a strong bipartisan compromise between Congress and the administration. And yet here in the House of Representatives we passed a 6-month extension. A few weeks ago we passed a 15-day extension. Now I believe we're passing a 21-day extension. And yet the American people, I believe, know in their heart of hearts our enemy does not think in the short term and, therefore, our solutions must occur in the long term. And when it comes to the ability of our intelligence community during this administration or whomever will be the next administration charged with protecting this country, I believe it is imperative that we call the question.

□ 1415

I believe it is imperative that we rise today, respectfully to my colleagues on the other side, most especially the chairman whom I esteem, and say enough is enough. We need to modernize our foreign intelligence surveillance laws today. We need to find a bipartisan compromise as we did last summer. We need to find a bipartisan compromise as the United States Senate did yesterday.

And I say again with a heavy heart, our enemy does not conspire to harm us in the short term. Our enemy conspires to harm us in the long term: to harm our people, to harm our families, to harm our children and our interests around the globe. We must, in this Congress, find a way beyond politics, as we did last summer, as the Senate did yesterday, to repair those holes in our foreign intelligence surveillance laws and give our intelligence community the legal authority and tools that they will need to protect us in the long term.

I urge my colleagues to reject the bill to extend the Protect America Act for 21 days and call the question on this floor. We need a long-term solution to what ails our intelligence laws.

Mr. SMITH of Texas. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore (Mr. JACKSON of Illinois). The gentleman from Texas (Mr. SMITH) has 4½ minutes. The gentleman from Michigan (Mr. CONYERS) has 7 minutes. The gentleman from Michigan (Mr. HOEKSTRA) has 2 minutes.

Mr. SMITH of Texas. Mr. Speaker, I will reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I reserve.

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 976, further proceedings on the bill are postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. 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.

HONORING AFRICAN AMERICAN INVENTORS

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 966) honoring African American inventors, past and present, for their leadership, courage, and significant contributions to our national competitiveness.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 966

Whereas African-American and other minority scientists, technologists, engineers, and mathematicians have made significant achievements in our national research enterprise and inspired future generations;

Whereas the National Society of Black Engineers (''NSBE'') lifts up African-American

researchers of the past and present, including special contributors named in this Resolution;

Whereas Garrett Augustus Morgan made outstanding contributions to public safety;

Whereas firefighters in the early 1900s wore the safety helmets and gas masks that he invented, and for which he was awarded a gold medal at the Second International Exposition of Safety and Sanitation in New York in 1914;

Whereas 2 years later, he himself used the mask to rescue men trapped by a gas explosion in a tunnel being constructed under Lake Erie;

Whereas following the disaster which took 21 lives, the City of Cleveland honored him with a gold medal for his heroic efforts;

Whereas in 1923, he received a patent for a traffic signal to regulate vehicle movement in city areas, and this device was a direct precursor to the modern traffic light in use today;

Whereas Ernest Everett Just was a trailblazer in the fields of cell biology and zoology;

Whereas his research and papers on marine biology were so well received in 1915 that Ernest Everett Just was awarded the first Spingarn Medal by the National Association for the Advancement of Colored People at age 32;

Whereas Ernest Everett Just dedicated years of research toward the study of cells and cell structures in order to understand and find cures for cellular irregularities and diseases such as sickle cell anemia and cancer and became one of the most respected scientists in his field;

Whereas racial bigotry in the United States caused much of his work and his achievements to go unrewarded;

Whereas in other countries, he was treated as a pioneer and was recruited to work with Russian scientists and invited to be a guest researcher at the Kaiser Wilhelm Institute for Biology, the world's greatest scientific research laboratory at the time;

Whereas he was welcomed at the Naples Zoological Station in Italy and the Sorbonne in France, where he conducted research and was regarded as one of the most outstanding zoologists of his time;

Whereas Archibald Alphonso Alexander excelled in design and construction engineering;

Whereas, employed by the Marsh Engineering Company, he designed the Tidal Basin bridge in Washington, DC;

Whereas after studying bridge design in London, Archibald Alphonso Alexander and George Higbee formed a general contracting business that focused on bridge design;

Whereas his designs include Washington, DC's Whitehurst Freeway, the heating plant and power station at the University of Iowa, and an airfield in Tuskegee, Alabama;

Whereas he went on to become the first Republican territorial governor of the U.S. Virgin Islands;

Whereas David Nelson Crosthwait Jr. made significant and practical contributions to the engineering of heating and cooling systems;

Whereas he held numerous patents relating to heat transfer, ventilation, and air conditioning, the areas in which he was considered an expert;

Whereas David Nelson Crosthwait Jr. served as director of research laboratories for C. A. Dunham Company in Marshalltown, Iowa, where he served as technical advisor from 1930 to 1970;

Whereas he designed the heating systems for Radio City Music Hall and Rockefeller Center in New York City and authored texts and guides on heating and cooling with water;

Whereas during the 1920s and 1930s, he invented an improved boiler, a new thermostat control, and a new differential vacuum pump to improve the heating systems in larger buildings; and

Whereas African-American innovators continue to improve the daily lives of Americans through their inventions and stir the creative spirit of future generations: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) recognizes and appreciates the significant achievements to our national research enterprise made by African-American and other minority scientists, technologists, engineers, and mathematicians;

(2) honors and extends its appreciation and gratitude toward all African-American inventors, for the significant and honorable research and educational contributions that improve the lives of all citizens and that have gone unacknowledged too long; and

(3) looks for opportunities to make sure that the creativity and contribution of minority scientists, technologists, engineers, and mathematicians can be expressed through research, development, standardization, and innovation.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Missouri (Mr. AKIN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous materials on H. Res. 966.

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

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in celebration of February as Black History Month, I offer this resolution to celebrate the accomplishments of four outstanding inventors.

The first, Garrett Augustus Morgan, lived from 1877 to 1963 and was a son of former slaves. He grew up in Kentucky on the family farm, but as an adolescent, he worked as a handyman for a wealthy Cincinnati landowner. Surely that early experience, as well as his education, influenced and shaped his interest as an inventor.

Among his inventions, Garrett Morgan designed a traffic signal that greatly improved public safety. In the early 1900s, bicycles, animal-powered carts, and motor vehicles shared the roads with pedestrians. Accidents frequently occurred between the vehicles. After witnessing a collision between an automobile and a horse-driven carriage, Morgan was convinced that something should be done to improve traffic safety. He was the first to be granted a patent for a traffic signal containing the caution provision.

Prior to Morgan's invention, most of the traffic signals in use featured only two positions: stop and go. Because the manually operated traffic signals of the day allowed no interval between the ''stop'' and ''go'' commands, collisions at busy intersections were common during the transition moving from one street to another. Morgan's traffic signal, as well as others, such as a safety hood and smoke protector, contributed greatly to public safety. Such a simple innovation, yet a major impact.

The second innovator mentioned in this resolution is Ernest Everett Just, who lived from 1883 to 1941. He grew up in Charleston, South Carolina, and was the son of a dock builder. He dedicated his life to cell biology research and earned a Ph.D at the University of Chicago. He studied the fundamental role of the cell surface in the development of organisms. He performed his research in the District of Columbia, Chicago, and Massachusetts, as well as in Italy, Germany, and France.

Ernest Just was truly a trailblazer during the time when African American researchers were rare and underappreciated.

The third individual to be honored is Archibald Alphonso Alexander, who lived from 1888 to 1958. Born in Iowa, the son of a janitor, Alexander was the first African American to graduate from the University of Iowa. He studied bridge design in London, England, and founded his own business in the 1920s. He and his partners designed and constructed many roads and bridges, including the Whitehurst Freeway, the Tidal Basin Bridge and an extension to the Baltimore-Washington Parkway.

He designed the Tuskegee Airfield and the Iowa State University heating and cooling system. He was truly a Renaissance man. He excelled in football, designed highway infrastructure, and served as Governor of the U.S. Virgin Islands.

Finally, my resolution honors David Nelson Crosthwait, Jr., who lived from 1898 to 1976. He was born in Nashville, Tennessee, and grew up in Kansas City, Missouri. After graduating from Purdue University in 1913 where he studied mechanical engineering, he took a job with the C.A. Dunham Company.

During his 40 years with the company, he became an expert on heat transfer, air ventilation, and central air-conditioning. He authored a manual on heating and cooling with water. He also wrote guides and standards as well as codes that dealt with heating, ventilation, refrigeration, and air-conditioning systems.

During the 1920s and 1930s, he invented an improved boiler, a new thermostat control, and a new differential vacuum pump, which were all more effective for the heating systems in larger buildings. He also held numerous patents and designed the heating systems for Radio City Music Hall and Rockefeller Center.

These four individuals and so many others overcame the tremendous personal challenges to excel in their careers and benefit society.

The National Society of Black Engineers has chosen to lift up these

innovators, and I thank the society for its helpful input in designing this resolution to honor these exceptional men.

Let their light shine as an example to the thousands of African American young students across the Nation. The message of their lives, that of Black History Month, and that of this resolution: with challenge comes perseverance, with perseverance comes endurance, with endurance comes strength, and with strength comes success.

It is my goal to wish success to all students of color who aspire to future careers in science, technology, engineering, and math.

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

Mr. AKIN. Mr. Speaker, I rise today in strong support of H. Res. 966. It's fitting that this Congress is also considering the gentlelady from Texas', Mrs. JOHNSON's, resolution on the same day that we're celebrating National Engineers Week.

H. Res. 966 honors African American inventors, past and present, for their leadership, courage, and significant contributions to our national competitiveness. Three of the men we honor today were engineers; the fourth, a renowned biologist. Their contributions to our Nation are many; their drive to achieve success, often in the face of adversity, admirable; and their recognition today, highly deserved.

We owe a debt of gratitude to Garrett Augustus Morgan for the contributions he made to public safety with safety helmet, gas mask, and traffic signal inventions.

Ernest Everett Just's cellular work to help find a cure for sickle cell anemia and cancer helped him become one of the most well-respected scientists in his field.

Many of the roads we travel on in the D.C. area, including the Tidal Basin Bridge, the Whitehurst Freeway and much of the Baltimore-Washington Parkway, were designed by Archibald Alphonso Alexander.

Considered an expert in heat transfer, ventilation, and air conditioning, David Nelson Crosthwait, Jr., invented numerous practical heating devices. These include an improved boiler, thermostat control, and differential vacuum pump for larger buildings, such as Radio City Music Hall and Rockefeller Center.

These men are role models for our next generation of scientists and engineers. This Congress, through America COMPETES, has made great strides to ensure that our Nation continues to attract the best and the brightest to these admirable and important careers.

I support H. Res. 966 and encourage my colleagues to do the same.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have no requests for speaking, and I reserve.

Mr. AKIN. Mr. Speaker, I yield back.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would simply ask for support of H. Res. 966 and thank the Speaker, as well as the gentleman on the other side and all the staff for assisting.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and agree to the resolution, H. Res. 966.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1430

SUPPORTING THE GOALS AND IDEALS OF NATIONAL ENGINEERS WEEK

Mr. LIPINSKI. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 917) supporting the goals and ideals of National Engineers Week, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 917

Whereas National Engineers Week has grown into a formal coalition of more than 75 professional societies, major corporations, and government agencies, dedicated to ensuring a diverse and well-educated future engineering workforce by increasing understanding of and interest in engineering and technology careers among all young students, by promoting pre-college literacy in science, technology, engineering, and mathematics (STEM), and raising public understanding and appreciation of engineers' contributions to society;

Whereas February 17–23, 2008, has been designated by the President as National Engineers Week and the theme is ''Engineers Make a World of Difference'';

Whereas National Engineers Week, which was founded in 1951 by the National Society of Professional Engineers, is among the oldest of America's professional outreach efforts;

Whereas National Engineers Week is celebrated during the week of George Washington's birthday to honor the contributions that our first President, a military engineer and land surveyor, made to engineering;

Whereas for one outreach program alone, the National Engineers Week Future City Competition, more than 1,100 schools and 32,000 middle school students participate annually and 7,500 volunteers donate more than 225,000 hours;

Whereas during National Engineers Week, more than 45,000 engineers connect with some 5,500,000 students and teachers in kindergarten through high school as they help students and teachers determine practical applications of their academics and help students discover that STEM subjects can be fun;

Whereas National Engineers Week activities at engineering schools and in other forums are encouraging all our young math and science students to see themselves as possible future engineers and to realize the practical picture of knowledge;

Whereas National Engineers Week sponsors are working together to transform the engineering workforce through the better inclusion of women and underrepresented minorities;

Whereas engineers from all disciplines send a new message to today's youth: engineers change the world, save lives, protect the Earth, and make a world of difference;

Whereas engineers are working together to mesh diversity and collaboration worldwide, whether reaching for the stars, building global networks, or helping today's young students prepare for their futures;

Whereas engineers use their professional, scientific, and technical knowledge and skills in creative and innovative ways to fulfill society's needs;

Whereas engineers have helped meet the major technological challenges of our time—from rebuilding towns devastated by natural disasters to designing an information superhighway that will speed our country into the future;

Whereas engineers are a crucial link in research, development, and demonstration in transforming scientific discoveries into useful products, and we will look more than ever to engineers and their knowledge and skills to meet the challenges of the future;

Whereas engineers play a crucial role in developing the consensus engineering standards that permit modern economies and societies to exist; and

Whereas the 2006 National Academy of Sciences report entitled ''Rising Above the Gathering Storm'' highlighted the worrisome trend that fewer students are now focusing on engineering in college at a time when increasing numbers of today's 2,000,000 United States engineers are nearing retirement: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Engineers Week and its aim to increase understanding of and interest in engineering and technology careers and to promote literacy in science, technology, engineering, and mathematics; and

(2) will work with the engineering community to make sure that the creativity and contribution of that community can be expressed through research, development, standardization, and innovation.

The SPEAKER pro tempore (Ms. SOLIS). Pursuant to the rule, the gentleman from Illinois (Mr. LIPINSKI) and the gentleman from Missouri (Mr. AKIN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. LIPINSKI. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 917, the resolution now under consideration.

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

There was no objection.

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

Madam Speaker, I rise today in support of H. Res. 917, supporting the goals and ideals of National Engineers Week.

Founded by the National Society of Professional Engineers and including more than 100 society, government and business sponsors and affiliates, including Boeing and the American Society of Mechanical Engineers, National Engineers Week draws upon local and regional experts to recognize the contributions of engineers and to promote careers in engineering.

From national and regional engineering competitions, such as the Future City Competition, to events such as Introduce a Girl to Engineering Day, this week is intended to inspire the next generation of American engineers and scientists.

National Engineers Week takes place next week, just as it does every year, to commemorate the birthday of George Washington, one of our Nation's greatest engineers. Engineers have helped make our country great, from the American Revolution to the development of key modern industries, such as the aerospace industry, as well as various alternative industries. Engineers are at the forefront of human advances because engineers combine creativity with math and science training to solve problems. Engineers are not just builders, as they are sometimes envisioned, they are problem solvers. This is one of the first things I was taught when I was a graduate student at Stanford University in the Department of Engineering-Economic Systems. Engineering is problem solving.

I have a unique perspective in Congress as one of fewer than 10 engineers currently serving. Besides my master's degree from Stanford, I earned a bachelor's degree from Northwestern University in mechanical engineering. It is of great concern that America has fallen behind other countries in producing engineers. When I have toured engineering schools, whether it's been at Northwestern University, Stanford University, Northern Illinois University or the Illinois Institute of Technology, I have heard again and again how few Americans are getting engineering degrees, especially graduate degrees in engineering. It is great that America has such top universities that we are attracting some of the brightest minds from around the world to study here, but we are losing more and more of those students when they graduate and go back home.

Engineers in the past helped us build boats across the seas, railroads to take us west, and the Internet to communicate across the world. Today, we need the innovative capability of engineers more than ever to confront the new challenges before us.

A few years ago, the National Academy of Sciences report entitled ''Rising Above the Gathering Storm'' raised serious questions about America's future technological competitiveness. This report called for the Federal Government to take a number of actions, including addressing the potential for a shortage of good engineers. I am proud that Chairman GORDON and the Science and Technology Committee on which I serve as vice chairman answered the report's call and took action to bolster America's competitiveness. Last summer, Congress passed and the President signed into law the America COMPETES Act. This groundbreaking law invests more in education, especially in the STEM fields of science, technology, engineering and math, and increases investment in critical research and development.

America COMPETES has created new awards for outstanding early-career researchers and new graduate research assistantships in technological areas of national need. These investments will greatly benefit our Nation's engineers, helping America stay at the forefront of innovation and increasing our national, economic and environmental security. Indeed, America's engineers are a critical component in developing and employing the innovative technologies necessary to carry out many of the provisions of the Energy Independence and Security Act, the landmark energy law passed at the end of last year.

Madam Speaker, I would like to thank the gentleman from South Carolina (Mr. INGLIS) for his work on this resolution, as well as the 45 other cosponsors. And I would especially like to thank the engineers who have contributed so much to America, especially the 2 million engineers in America today.

I ask my colleagues to support H. Res. 917.

Madam Speaker, I reserve the balance of my time.

Mr. AKIN. Madam Speaker, I rise today in strong support of House Resolution 917. House Resolution 917 supports the goals and ideals of National Engineers Week, which will be celebrated this year in just a few days, starting February 17.

The National Society of Professional Engineers established the first National Engineers Week in 1951. Through all of the next week, a wide range of activities are planned around the theme of ''Engineers Make a World of Difference'' in order to increase the understanding of and interest in engineering and technology careers and to promote K–12 literacy in math and science. These activities will also highlight the contributions that engineers have made to our society.

Historically, Engineers Week is celebrated during the week of George Washington's actual birthday to honor his contributions to engineering as a military engineer and a land surveyor. As our Nation's first President, he put our Nation on the path toward technological advancements, invention and education.

We continue down that path today, which has grown exponentially into multiple and complex highways of innovation. It is our engineers, literally and figuratively, who build those highways and help keep us ahead of the innovation curve. From landing a man on the Moon to designing bags to carry our groceries, engineers play a role in nearly every facet of our lives.

Just a few weeks ago, the National Science Foundation released the 2008 Science and Engineering Indicators loaded with statistics on our Nation's engineering future. It's essential that we capitalize on opportunities such as National Engineers Week to raise awareness of the valuable work and contribution of engineers to society to attract young people of all ages to this rewarding profession.

I support the goals and ideals of National Engineers Week, and I urge my colleagues to join me with their support.

With that, Madam Speaker, I reserve the balance of my time.

Mr. LIPINSKI. I continue to reserve the balance of my time.

Mr. AKIN. Madam Speaker, I think it may be appropriate for me to add here a little interesting perspective that was not in the script today. It's an incident that occurred about 19-plus years ago. It seems like just the other day.

I had just been elected to be a State legislator in the State of Missouri, and I was very pleased and proud of that. No one in my family had ever run for political office or slid that far down the totem pole of life, but I was still looking forward to serving as a State representative. And the first thing on my agenda was to go to an early morning breakfast with other legislators. I got to the breakfast, but it was so early I was there just a little bit late. Just about the time I was sitting down at the table, one of the prominent legislators at the table said, You know, we ought to have a law against engineers serving in the legislature because they are just way too rational for the legislative process. And I was just taking my chair when somebody said, You're not an engineer, are you? And I said, Yes, I am.

So I'm thankful to be one of those seven or so engineers that serve here in the U.S. House. I do believe that there is always a use for the discipline of problem solving that engineering brings. So if there may be someone that's young and considering that career in engineering, I would advise them very strongly in favor of it, even though it involves a certain amount of suffering in undergraduate school.

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

Mr. LIPINSKI. I yield myself such time as I may consume.

Madam Speaker, I thank the gentleman from Missouri for his work on this resolution. And as a fellow engineer, I could not agree more that we could use a few more engineers here in this body.

I just wanted to say, I mentioned earlier that I have an engineering background, and it really does give a unique perspective. But I think one of the

most important things about National Engineers Week is the inspiration that we are looking to provide.

I remember when I was a kid growing up in Chicago, I was always fascinated by the way things work, especially mechanical things. I remember with my high school calculus and physics teachers, Father Thul and Father Fergus, they were the ones who really helped mold this childhood fascination into an interest in engineering. And I have seen a lot of the work that is done in National Engineers Week to try to provide this inspiration for students who are out there today.

I think this is very critical, as we face so many problems going into the future with energy, that we try and take care of global warming and so many other issues that we face. We need to have more engineers in this country to help us solve these problems. National Engineers Week is a great place to help provide inspiration so we have more engineers. And this resolution provides some more inspiration out there, hopefully, for some students who are watching this, listening to this, reading this later on, that we do need more engineers. I want to encourage that.

I ask my colleagues to vote in support of H. Res. 917.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I would like to express my support for H. Res. 917, supporting the goals and ideals of National Engineers Week.

Engineers are important to Texas.

The petrochemical, space, high-tech and transportation industries are integral to Texans' livelihoods.

In fact, Texas ranks first in the nation in industries such as petrochemical, computer, and organic chemical manufacturing. Engineers have contributed to that success.

As a Member of the House Committee on Science and Technology, I am glad to see my colleague, Mr. Lipinski, offer this resolution. It is important to acknowledge engineers for the valuable work that they do. The Texas Society of Professional Engineers works to foster a diverse and skilled workforce.

I want to commend the Society for its work to empower students by educating them about careers in engineering, providing materials for use in classrooms, participating in after-school programs, disseminating scholarship information, and holding math and science competitions.

I would also like to thank the Chairman of the House Committee on Science and Technology, Chairman GORDON, for his leadership on issues of national competitiveness.

I support this resolution and urge my colleagues to support it also.

Mr. MCNERNEY. Madam Speaker, I am proud to support H. Res. 917, and I thank my colleague Mr. LIPINSKI for introducing this resolution. As a mathematician who spent much of my career working as a renewable energy engineer, I am particularly honored to advocate for the passage of this legislation. H. Res. 917 supports the goals and ideals of National Engineers Week, a valuable opportunity to recognize the importance of the work engineers perform.

Engineers are responsible for many of the vital technological breakthroughs that improve the quality of life for Americans and people around the globe. American engineers and businesses lead the world in innovation, but unfortunately we are no longer producing as many engineers as our international competitors. Without a sustained national effort to train a new generation of engineers, our country is at risk of losing our competitive edge.

I am proud of the work of the 110th Congress to reinvest in the science, technology, engineering, and math education programs that will train the next generation of American engineers. In addition, the America COMPETES Act, which was passed last summer, is a signature bipartisan achievement that marks a major milestone for science, technology, engineering, and math education in our country. More work remains to be done, however, and I hope all of my colleagues will join me in a bipartisan effort to support engineering in America.

I would like to thank my colleagues again for their support of H. Res. 917, and I look forward to watching as American engineering continues to thrive.

Mr. LIPINSKI. 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 Illinois (Mr. LIPINSKI) that the House suspend the rules and agree to the resolution, H. Res. 917.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

NATIONAL OCEAN EXPLORATION PROGRAM ACT

Mr. LIPINSKI. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1834) to authorize the national ocean exploration program and the national undersea research program within the National Oceanic and Atmospheric Administration, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1834

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

TITLE I—NATIONAL OCEAN EXPLORATION PROGRAM

SECTION 101. SHORT TITLE.

This title may be cited as the ''National Ocean Exploration Program Act''.

SEC. 102. AUTHORIZATION.

The Secretary of Commerce, through the Administrator of the National Oceanic and Atmospheric Administration, shall, in consultation with the National Science Foundation and other appropriate Federal agencies, conduct a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration that promotes collaboration with existing programs of the Administration, including those authorized in title II.

SEC. 103. AUTHORITIES.

In carrying out the program authorized under section 102, the Administrator of the National Oceanic and Atmospheric Administration (in this title referred to as the ''Administrator'') shall—

(1) conduct interdisciplinary voyages or other scientific activities of discovery in conjunction with other Federal agencies or academic or educational institutions, to explore and survey little known areas of the marine environment, inventory, observe, and assess living and nonliving marine resources, and report such findings;

(2) give priority attention to deep ocean regions, with a focus on deep water marine systems that hold potential for important scientific discoveries, such as hydrothermal vent communities and seamounts;

(3) conduct scientific voyages to locate, define, and document historic shipwrecks, submerged sites, and other ocean exploration activities that combine archaeology and oceanographic sciences;

(4) develop and implement, in consultation with the National Science Foundation, a transparent process for merit-based peer-review and approval of proposals for activities to be conducted under this program;

(5) enhance the technical capability of the United States marine science community by promoting the development of improved oceanographic research, communication, navigation, and data collection systems, as well as underwater platforms and sensors and autonomous vehicles;

(6) accept donations of property, data, and equipment to be applied for the purpose of exploring the oceans or increasing knowledge of the oceans; and

(7) establish an ocean exploration forum to encourage partnerships and promote communication among experts and other stakeholders in order to enhance the scientific and technical expertise and relevance of the national program.

SEC. 104. OCEAN EXPLORATION ADVISORY BOARD.

(a) ESTABLISHMENT.—The Administrator shall appoint an Ocean Exploration Advisory Board, or utilize an existing panel, composed of experts in relevant fields to—

(1) advise the Administrator on priority areas for survey and discovery;

(2) assist the program in the development of a five-year strategic plan for the fields of exploration, discovery, and science;

(3) annually review the quality and effectiveness of the proposal review process established under section 103(4); and

(4) provide other assistance and advice as requested by the Administrator.

(b) FEDERAL ADVISORY COMMITTEE ACT.—

(1) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Ocean Exploration Advisory Board.

(2) COMPLIANCE.—Notwithstanding paragraph (1), the Ocean Exploration Advisory Board shall be appointed and operate in a manner consistent with all provisions of the Federal Advisory Committee Act with respect to—

(A) the balance of membership and expertise;

(B) provisions of public notice regarding activities of the Ocean Exploration Advisory Board;

(C) open meetings; and

(D) public access to documents created by the Ocean Exploration Advisory Board.

(c) UTILIZATION OF EXISTING PANEL.—If the Administrator utilizes an existing panel to fulfill the requirements of this section, the membership of that panel must include relevant experts in the fields specified in subsection (a)(2).

SEC. 105. APPLICATION WITH OUTER CONTINENTAL SHELF LANDS ACT.

Nothing in this title or title II supersedes, or limits the authority of the Secretary of the Interior under, the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out this title—

(1) $30,500,000 for fiscal year 2008;
(2) $33,550,000 for fiscal year 2009;
(3) $36,905,000 for fiscal year 2010;
(4) $40,596,000 for fiscal year 2011;
(5) $44,655,000 for fiscal year 2012;
(6) $49,121,000 for fiscal year 2013;
(7) $54,033,000 for fiscal year 2014;
(8) $59,436,000 for fiscal year 2015;
(9) $65,379,000 for fiscal year 2016; and
(10) $71,917,000 for fiscal year 2017.

TITLE II—UNDERSEA RESEARCH PROGRAM

SEC. 201. SHORT TITLE.

This title may be cited as the ''National Undersea Research Program Act of 2007''.

SEC. 202. AUTHORIZATION.

The Administrator of the National Oceanic and Atmospheric Administration shall conduct an undersea research program and shall designate a Director of that program.

SEC. 203. PURPOSE.

The purpose of the program authorized under section 202 is to increase scientific knowledge essential for the informed management, use, and preservation of oceanic, coastal, and large lake resources through undersea research, exploration, education, and technology development. The program shall be part of National Oceanic and Atmospheric Administration's undersea research, education, and technology development efforts, and shall make available the infrastructure and expertise to service the undersea science and technology needs of the academic community and marine industry.

SEC. 204. PROGRAM.

The program authorized under section 202 shall be conducted through a national headquarters, a network of extramural regional undersea research centers that represent all relevant National Oceanic and Atmospheric Administration regions, and a national technology institute. Overall direction of the program will be provided by the program director in coordination with a Council of Center Directors comprised of the directors of the extramural regional centers and the National Institute for Undersea Science and Technology.

SEC. 205. REGIONAL CENTERS AND INSTITUTE.

(a) PROGRAMS.—The following research, exploration, education, and technology programs shall be conducted through the network of extramural regional centers and the National Institute for Undersea Science and Technology:

(1) Core research and exploration based on national and regional undersea research priorities.

(2) Advanced undersea technology development to support the National Oceanic and Atmospheric Administration's research mission and programs.

(3) Development, testing, and transition of advanced undersea technology associated with ocean observatories, submersibles, advanced diving technologies, remotely operated vehicles, autonomous underwater vehicles, and new sampling and sensing technologies such as LEO–15, Pisces, and the Aquarius habitat.

(4) Undersea science-based education and outreach programs to enrich ocean science education and public awareness of the oceans and Great Lakes.

(5) Discovery, study, and development of natural products from ocean and aquatic systems.

(b) OPERATIONS.—Operation of the extramural regional centers and the National Institute for Undersea Science and Technology shall leverage partnerships and cooperative research with academia and private industry.

SEC. 206. COMPETITIVENESS.

Except for a small discretionary fund for rapid response activities, for which no more than 10 percent of the program budget shall be set aside, and for National Oceanic and Atmospheric Administration-related service projects, the external projects supported by the regional centers shall be managed using an open and competitive process to evaluate scientific merit, relevance to the National Oceanic and Atmospheric Administration, regional and national research priorities, and technical feasibility.

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out this title—

(1) $17,500,000 for fiscal year 2008;
(2) $19,500,000 for fiscal year 2009;
(3) $21,500,000 for fiscal year 2010;
(4) $23,500,000 for fiscal year 2011;
(5) $25,500,000 for fiscal year 2012;
(6) $27,500,000 for fiscal year 2013;
(7) $29,500,000 for fiscal year 2014;
(8) $31,500,000 for fiscal year 2015;
(9) $33,500,000 for fiscal year 2016; and
(10) $35,500,000 for fiscal year 2017.

TITLE III—INTERAGENCY FINANCING, PLANNING, AND COORDINATION

SEC. 301. INTERAGENCY FINANCING.

The Administrator of the National Oceanic and Atmospheric Administration, the National Science Foundation, the Department of the Navy, and other Federal agencies involved in the programs authorized under title I and II, may participate in interagency financing and share, transfer, receive, and spend funds appropriated to any Federal participant in the program for the purposes of carrying out any administrative or programmatic project or activity under the program. Funds may be transferred among such departments and agencies through an appropriate instrument that specifies the goods, services, or space being acquired from another Federal participant and the costs thereof.

SEC. 302. OCEAN EXPLORATION AND UNDERSEA RESEARCH TECHNOLOGY AND INFRASTRUCTURE TASK FORCE.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration, in coordination with the National Science Foundation, the National Aeronautics and Space Administration, the United States Geological Survey, the Department of the Navy, the Mineral Management Service, and relevant governmental, nongovernmental, academic, industry, and other experts, shall convene an ocean exploration and undersea research technology and infrastructure task force, or utilize an existing panel, to develop and implement a strategy—

(1) to facilitate transfer of new exploration and undersea research technology to the programs authorized under titles I and II of this Act;

(2) to improve availability of communications infrastructure, including satellite capabilities, to the program;

(3) to develop an integrated, workable, and comprehensive data management information processing system that will make information on unique and significant features obtained by the program available for research and management purposes;

(4) to conduct public outreach activities that improve the public understanding of ocean science, resources, and processes, in conjunction with relevant programs of the National Oceanic and Atmospheric Administration, the National Science Foundation, and other agencies; and

(5) to encourage cost-sharing partnerships with governmental and nongovernmental entities that will assist in transferring exploration technology and technical expertise to the program.

(b) UTILIZATION OF EXISTING PANEL.—If the Administrator utilizes an existing panel to fulfill the requirements of this section, the membership of that panel must include representative of all the agencies and other interests specified in subsection (a).

TITLE I—NATIONAL OCEAN EXPLORATION PROGRAM

SEC. 101. SHORT TITLE.

This title may be cited as the ''National Ocean Exploration Program Act''.

SEC. 102. AUTHORIZATION.

The Administrator of the National Oceanic and Atmospheric Administration shall, in consultation with the National Science Foundation and other appropriate Federal agencies, conduct a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration that promotes collaboration with other Federal ocean and undersea research and exploration programs. To the extent appropriate, the Administrator shall seek to facilitate coordination of data and information management systems, outreach and education programs to improve public understanding of ocean and coastal resources, and development and transfer of technologies to facilitate ocean and undersea research and exploration.

SEC. 103. AUTHORITIES.

(a) IN GENERAL.—In carrying out the program authorized under section 102, the Administrator of the National Oceanic and Atmospheric Administration (in this title referred to as the ''Administrator'') shall—

(1) conduct interdisciplinary voyages or other scientific activities of discovery in conjunction with other Federal agencies or academic or educational institutions, to explore and survey little known areas of the marine environment, inventory, observe, and assess living and nonliving marine resources, and report such findings;

(2) give priority attention to deep ocean regions, with a focus on deep water marine systems that hold potential for important scientific discoveries, such as hydrothermal vent communities and seamounts;

(3) conduct scientific voyages to locate, define, and document historic shipwrecks, submerged sites, and other ocean exploration activities that combine archaeology and oceanographic sciences;

(4) develop and implement, in consultation with the National Science Foundation, a transparent, competitive process for merit-based peer-review and approval of proposals for activities to be conducted under this program, taking into consideration advice of the Board established under section 104;

(5) enhance the technical capability of the United States marine science community by promoting the development of improved oceanographic research, communication, navigation, and data collection systems, as well as underwater platforms and sensors and autonomous vehicles; and

(6) establish an ocean exploration forum to encourage partnerships and promote communication among experts and other stakeholders in order to enhance the scientific and technical expertise and relevance of the national program.

(b) DONATIONS.—In carrying out the program authorized under section 102, the Administrator may accept donations of property, data, and equipment to be applied for the purpose of exploring the oceans or increasing knowledge of the oceans.

SEC. 104. OCEAN EXPLORATION ADVISORY BOARD.

(a) ESTABLISHMENT.—The Administrator shall appoint an Ocean Exploration Advisory Board composed of experts in relevant fields to—

(1) advise the Administrator on priority areas for survey and discovery;

(2) assist the program in the development of a five-year strategic plan for the fields of ocean, marine, and Great Lakes exploration, discovery, and science;

(3) annually review the quality and effectiveness of the proposal review process established under section 103(4); and

(4) provide other assistance and advice as requested by the Administrator.

(b) FEDERAL ADVISORY COMMITTEE ACT.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board appointed under subsection (a).

SEC. 105. APPLICATION WITH OUTER CONTINENTAL SHELF LANDS ACT.

Nothing in this Act supersedes, or limits the authority of the Secretary of the Interior under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out this title—

(1) $30,500,000 for fiscal year 2008;
(2) $33,550,000 for fiscal year 2009;
(3) $36,905,000 for fiscal year 2010;
(4) $40,596,000 for fiscal year 2011;
(5) $44,655,000 for fiscal year 2012;
(6) $49,121,000 for fiscal year 2013; and
(7) $54,033,000 for fiscal year 2014.

TITLE II—UNDERSEA RESEARCH PROGRAM

SEC. 201. SHORT TITLE.

This title may be cited as the ''National Undersea Research Program Act of 2007''.

SEC. 202. AUTHORIZATION.

The Administrator of the National Oceanic and Atmospheric Administration shall conduct an undersea research, exploration, education, and technology development program and shall designate a Director of that program.

SEC. 203. PURPOSE.

The purpose of the program authorized under section 202 is to increase scientific knowledge essential for the informed management, use, and preservation of oceanic, coastal, and Great Lakes resources. The Director, in carrying out the program authorized in section 202, shall cooperate with institutions of higher education and other educational marine and ocean science organizations, and shall make available undersea research facilities, equipment, technologies, information, and expertise to support undersea research efforts by these organizations. The Director may also enter into partnerships, using existing authorities, with the private sector to achieve the goals of the program and to promote technological advancement of the marine industry.

SEC. 204. PROGRAM.

The program authorized under section 202 shall be conducted through a national headquarters, a network of extramural regional undersea research centers that represent all relevant National Oceanic and Atmospheric Administration regions, and a national technology institute. Overall direction of the program will be provided by the program director in coordination with a Council of Center Directors comprised of the directors of the extramural regional centers and the National Institute for Undersea Science and Technology. Program direction shall be published not later than 3 years after the date of enactment of this Act.

SEC. 205. REGIONAL CENTERS AND INSTITUTE.

(a) PROGRAMS.—The following research, exploration, education, and technology programs shall be conducted through the network of extramural regional centers and the National Institute for Undersea Science and Technology:

(1) Core research and exploration based on national and regional undersea research priorities.

(2) Advanced undersea technology development to support the National Oceanic and Atmospheric Administration's research mission and programs.

(3) Development, testing, and transition of advanced undersea technology associated with ocean observatories, submersibles, advanced diving technologies, remotely operated vehicles, autonomous underwater vehicles, and new sampling and sensing technologies.

(4) Undersea science-based education and outreach programs to enrich ocean science education and public awareness of the oceans and Great Lakes.

(5) Discovery, study, and development of natural products from ocean and aquatic systems.

(b) OPERATIONS.—Operation of the extramural regional centers and the National Institute for Undersea Science and Technology shall leverage partnerships and cooperative research with academia and private industry.

SEC. 206. COMPETITION.

(a) DISCRETIONARY FUND.—The program shall allocate no more than 10 percent of its annual budget to a discretionary fund that may be used only for program administration and priority undersea research projects identified by the Director but not covered by funding available from centers.

(b) COMPETITIVE SELECTION.—The Administrator shall conduct a competition to select the regional centers that will participate in the program five years after the date of enactment of this Act and every five years thereafter. Funding for projects conducted through the regional centers shall be awarded through a competitive, merit-reviewed process on the basis of their relevance to the goals of the program and their technical feasibility.

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out this title—

(1) $17,500,000 for fiscal year 2008;
(2) $19,500,000 for fiscal year 2009;
(3) $21,500,000 for fiscal year 2010;
(4) $23,500,000 for fiscal year 2011;
(5) $25,500,000 for fiscal year 2012;
(6) $27,500,000 for fiscal year 2013; and
(7) $29,500,000 for fiscal year 2014.

TITLE III—INTERAGENCY FINANCING PLANNING AND COORDINATION

SEC. 301. INTERAGENCY FINANCING.

The Administrator of the National Oceanic and Atmospheric Administration, the National Science Foundation, the Department of the Navy, and other Federal agencies involved in the programs authorized under title I and II, are authorized to participate in interagency financing and share, transfer, receive, and spend funds appropriated to any Federal participant in the program for the purposes of carrying out any administrative or programmatic project or activity under this Act. Funds may be transferred among such departments and agencies through an appropriate instrument that specifies the goods, services, or space being acquired from another Federal participant and the costs thereof.

SEC. 302. OCEAN EXPLORATION AND UNDERSEA RESEARCH TECHNOLOGY AND INFRASTRUCTURE TASK FORCE.

The Administrator of the National Oceanic and Atmospheric Administration, in coordination with the National Science Foundation, the National Aeronautics and Space Administration, the United States Geological Survey, the Department of the Navy, the Mineral Management Service, and relevant governmental, non-governmental, academic, industry, and other experts, shall convene an ocean exploration and undersea research technology and infrastructure task force to develop and implement a strategy—

(1) to facilitate transfer of new exploration and undersea research technology to the programs authorized under titles I and II of this Act;

(2) to improve availability of communications infrastructure, including satellite capabilities, to such programs;

(3) to develop an integrated, workable, and comprehensive data management information processing system that will make information on unique and significant features obtained by such programs available for research and management purposes;

(4) to conduct public outreach activities that improve the public understanding of ocean science, resources, and processes, in conjunction with relevant programs of the National Oceanic and Atmospheric Administration, the National Science Foundation, and other agencies; and

(5) to encourage cost-sharing partnerships with governmental and nongovernmental entities that will assist in transferring exploration and undersea research technology and technical expertise to the programs.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. LIPINSKI) and the gentleman from Missouri (Mr. AKIN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. LIPINSKI. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 1834, the bill now under consideration.

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

There was no objection.

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

Madam Speaker, I rise today in support of H.R. 1834, the National Ocean Exploration and National Undersea Research Program Act.

I would like to first thank our colleague, Representative SAXTON from the Natural Resources Committee, for his leadership on important ocean and Great Lakes issues. This is a good bill that will expand our knowledge of the ocean and provide information about the vast resources of the seas.

The coastal areas of our Nation support a wide variety of significant activities, but in many respects the oceans remain a mystery, with many areas unexplored. Marine scientists tell us that we haven't come close to tapping the resources available to us from the oceans. I hope that my colleagues today from both sides of the aisle will agree that we should steer research dollars to those fact-finding projects so that humanity might one day reap the benefits of our oceanic resources.

This bill provides the National Oceanic and Atmospheric Administration, NOAA, with the authorities and direction to support a vigorous ocean exploration program. The bill authorizes two programs to be carried out by NOAA. The Ocean Exploration Program will explore and survey the ocean and assess ocean and costal resources. The National Undersea Research Program will operate through a network of regional undersea research centers. Both of those programs have strong education and outreach programs.

Madam Speaker, H.R. 1834 is a good bill. It is a product of a bipartisan effort to promote expanded appreciation

and knowledge of the oceans. I urge my colleagues to support the legislation.

Madam Speaker, I reserve the balance of my time.

□ 1445

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

I rise in support of H.R. 1834, the National Ocean Exploration Program Act.

The National Oceanic and Atmospheric Administration, or NOAA, is the Nation's lead agency charged with conserving and managing our coastal and oceanic resources. As such, relevant and high-quality research and development is vital to NOAA's ability to better understand the marine ecosystems it manages. NOAA's ocean exploration efforts have been organized in a systematic and strategic manner in order to investigate the farthest depths of the Earth's oceans. NOAA's undersea research programs allow for direct access to undersea environments through submersibles and indirect observation through the use of robots and sea-floor observatories. These programs provide invaluable information that enables us to learn more about our environment that covers more than two-thirds of our planet.

H.R. 1834 authorizes two existing ocean programs: the Ocean Exploration Program and the National Undersea Research Program. Under this authorization, NOAA is required to work with the National Science Foundation to map out a coordinated national exploration program that promotes collaboration with other Federal ocean exploration programs to prevent duplicative efforts. This bill also requires NOAA to conduct an undersea research, exploration, education, and technology development program that coordinates with similar efforts of the academic and marine and ocean science communities.

Most of these research and exploration efforts are conducted by outside groups who receive grants and funding from NOAA. H.R. 1834 requires that such funding shall now be distributed through a competitive bid process. Competition for funding will encourage existing research centers to select their most valuable research projects and partner with each other on other research programs. This competition is essential to ensure that the best research programs and ideas are adequately funded, something that, unfortunately, has not always been the case in the past.

Madam Speaker, at a time when our Nation is struggling to divide resources among a greater number of programs, we cannot afford to allow spending on research programs that do not provide pertinent information related to NOAA's important mission. The authorizing of these two programs and the competitive grant process that is established in this bill will ensure that NOAA is able to fund only the most useful projects and leverage taxpayer dollars in a way that provides the most useful information to understanding and managing our ocean environment.

I urge all my colleagues to support H.R. 1834.

Madam Speaker, I would like to yield now such time as he may consume to my colleague JIM SAXTON from the State of New Jersey. He has a long and very well-established reputation here, and, by the way, this is part of his legislation.

Mr. SAXTON. I thank the gentleman for yielding, and I thank the gentleman from Illinois for his kind remarks and great description, I might add, of the bill.

Madam Speaker, I obviously rise in strong support of H.R. 1834 and am very pleased that it's here under this bipartisan arrangement. It authorizes both the Ocean Exploration and National Undersea Research Programs in the National Oceanic and Atmospheric Administration.

According to the U.S. Commission on Ocean Policy, about 95 percent of the ocean floor remains unexplored. This vast area teems with undiscovered species and natural and cultural resources. On virtually every expedition, oceanographers and explorers make fascinating new discoveries. Hydrothermal vents in the Pacific, numerous new species, and important archeological sites are but a few of the important discoveries made in the past 30 years.

Consequently, the report of the U.S. Commission on Ocean Policy recommended the National Oceanic and Atmospheric Administration and the National Science Foundation should lead and expand our national ocean exploration and undersea research programs.

I am proud to be the sponsor of H.R. 1834. I'm proud that it's a bipartisan piece of legislation, and I'm proud that it promotes implementation of the commission's recommendations.

This bill authorizes two important programs: the Ocean Exploration Program as well as the National Undersea Research Program, also known as NURP. The Ocean Exploration Program was created to investigate the oceans for the purpose of discovery and the advancement of knowledge. It is the NOAA program established to, first, explore and map the oceans unknown and poorly known living and nonliving resources and, second, to gain new insights about its physical, chemical, biological, and archeological characteristics.

Title I of the bill, the National Ocean Exploration Program Act, will create better coordination between NOAA and the National Science Foundation. The purposes of the act are to expand the ocean exploration to discover new marine substances that potentially have therapeutic benefits; to study the unique marine ecosystems, organisms, and the geology of the world's oceans; and to maximize ocean research effectiveness by integrating multiple scientific disciplines in the ocean science community.

A new element created by the legislation is an Ocean Exploration Advisory Board. The National Undersea Research Program is part of the National Oceanic and Atmospheric Administration's Office of Oceanic and Atmospheric Research. As the Federal agency responsible for managing living marine and coastal organisms, NOAA requires a presence beneath the sea and the Great Lakes to better understand the systems under its management. NURP provides NOAA with the unique capability to access the undersea environment. NURP also provides scientists with the tools and expertise they need to investigate the undersea environment, including submersibles, remotely operated vehicles, autonomous underwater vehicles, mixed gas diving gear, underwater laboratories and observatories.

Title II of the bill, the National Undersea Research Program Act of 2007, formally authorizes the National Undersea Research Program for the first time, and we're very proud of this. The legislation creates a competitive process for the extramural undersea research centers to encourage the very best undersea research program for the United States.

Both of these programs authorized in this legislation are core to the mission of NOAA. I urge my colleagues to support this important bipartisan legislation.

Mr. LIPINSKI. Madam Speaker, I continue to reserve the balance of my time.

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

Mr. LIPINSKI. Madam Speaker, I want to thank Mr. SAXTON for his work on this bill. I'm very happy we were able to work this through the Science and Technology Committee in a bipartisan manner, and I urge all my colleagues to support this legislation.

Mr. FARR. Madam Speaker, I rise in support of H.R. 1834 introduced by my colleague JIM SAXTON. This bill would authorize the national ocean exploration program and the national undersea research program within the National Oceanic and Atmospheric Administration.

Our world is defined by its ocean. Planet Earth could be better named Planet Ocean. We are truly an ocean nation. In fact, more than half of the United States lies underwater and all people in the United States and in the world are affected by the ocean. The ocean helps control our climate, influences our weather, and affects our health.

The ocean gives us rain, oxygen, food, medicines, and minerals and energy sources. The ocean supports our nation's economy: it is a highway for transportation of goods and people. Even our national security is affected by the ocean.

Our ocean is important as a heritage to many cultures throughout the world and to our cultures throughout the United States. This one world ocean we all share is also a constant source of wonder and discovery.

In spite of its importance, little of the ocean has been explored. The ocean is our last and largest frontier. More is known about the moon

than is known about the deepest parts of the ocean.

This bill will add to the National Oceanic and Atmospheric Administration's ability to conduct research and exploration of the ocean. The bill will foster collaboration between the National Oceanic and Atmospheric Administration, the National Science Foundation, and the Department of the Navy.

The ocean exploration program and the undersea exploration program will drive technological advances and will increase our knowledge about the ocean to help us understand how to best manage, use, and preserve this resource.

Madam Speaker, I urge my colleagues to join me in supporting this bill, and show that the age of discovery is not over.

Mr. FALEOMAVAEGA. Madam Speaker, I rise today in strong support of H.R. 1834, to authorize the national ocean exploration prgram and the national undersea research program within the National Oceanic and Atmospheric Administration.

First and foremost, I want to commend my good friend Mr. JIM SAXTON of New Jersey and other cosponsors for introducing this important legislation. I also want to acknowledge the leadership for both the Committee on Natural Resources and the Comnrittee on Science and Technology.

Madam Speaker, H.R. 1834, the National Ocean Exploration Program Act, is an important piece of legislation because it will expand ocean exploration and will be a key avenue in understanding better our marine ecosystems and coastal resources and, importantly, maximize effective research relating to the physical, chemical, and biological characteristics of our oceans and lakes. We have succeeded in embarking missions to space but have failed in studying the unknown in our very oceans.

This legislation will provide scientists the necessary equipment to investigate and explore the undersea environment and will allow NOAA to conduct archaeological and scientific voyages of historic shipwrecks and cultural sites important to our academic and local communities.

Again, I thank my colleagues for supporting this bipartisan legislation.

Mr. LIPINSKI. 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 Illinois (Mr. LIPINSKI) that the House suspend the rules and pass the bill, H.R. 1834, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MAKING TECHNICAL CORRECTIONS TO THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Mr. CARDOZA. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 2571) to make technical corrections to the Federal Insecticide, Fungicide, and Rodenticide Act.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2571

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

SECTION 1. TECHNICAL CORRECTIONS TO THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT.

(a) PESTICIDE REGISTRATION SERVICE FEES.—Section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8) is amended—

(1) in subsection (b)(7)—

(A) in subparagraph (D)—

(i) by striking clause (i) and inserting the following:

''(i) IN GENERAL.—The Administrator may exempt from, or waive a portion of, the registration service fee for an application for minor uses for a pesticide.''; and

(ii) in clause (ii), by inserting ''or exemption'' after ''waiver''; and

(B) in subparagraph (E)—

(i) in the paragraph heading, by striking ''WAIVER'' and inserting ''EXEMPTION'';

(ii) by striking ''waive the registration service fee for an application'' and inserting ''exempt an application from the registration service fee''; and

(iii) in clause (ii), by striking ''waiver'' and inserting ''exemption''; and

(2) in subsection (m)(2), by striking ''2008'' each place it appears and inserting ''2012''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on October 1, 2007.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CARDOZA) and the gentleman from Oklahoma (Mr. LUCAS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

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

Senate bill 2571 provides a technical correction to the reauthorization of the Pesticide Registration Improvement Act approved by the House and the Senate and that was signed by the President on October 9, 2007.

As my colleagues know, EPA is currently responsible for regulating the sale, use, and distribution of pesticides. In order to facilitate and expedite the approval process, pesticide manufacturers and other registrants have supplemented EPA's annual budget for a number of years. It's a win-win process for both the manufacturer and the end user and a clear example of good government at its best.

Unfortunately, EPA has interpreted the PRIA reauthorization approved by Congress to collect fees for chemicals that are not part of the Interregional Project Number 4, a popular research program that assesses tolerance levels for pest management chemicals applied on specialty crops. These IR–4 chemicals have historically been exempt from fees prior to the enactment of the PRIA reauthorization, and it was not the intention of the House nor the Senate to suddenly assess fees on all these chemicals.

This bill will simply restore the status quo for these particular products and reassert congressional intent.

Because the program fees are being assessed on IR–4 chemicals as we speak, it is vitally important to address this situation immediately. While the farm bill would be the natural vehicle to make this technical correction, EPA is currently unable to process any registration applications without these fees being paid. Therefore, while this fix is not controversial, it is extremely time sensitive, and the uncertainty of the farm bill process dictates that Congress must take action now.

Restoring congressional intent by passing this technical correction to PRIA will prevent delays and backups of applications and stop EPA from collecting and then reimbursing the fees for these chemicals.

It is important that we continue to encourage the type of public-private partnerships envisioned in PRIA. I urge my colleagues to support this technical fix and the underlying goals of the Pesticide Registration Improvement Act.

Madam Speaker, I reserve the balance of my time.

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

I rise today in support of S. 2571. Madam Speaker, last fall we passed Senate bill 1983, which reauthorized the highly successful Pesticide Registration Improvement Act. That act had been worked on by a number of Members in the House and Senate, including the chairmen and ranking members of the House and Senate Agriculture Committees as well as the chairman and ranking member of the Subcommittee on Horticulture and Organic Agriculture. In developing this legislation, we sought the advice and counsel of the administration, the affected industry, and the environmental community. I was very happy to have the unanimous endorsement of all interested parties as we moved forward with that bill.

As is not uncommon in working on complex legislation, language is included that is subject to interpretation, and in this particular case we included language intending to maintain an existing fee exemption for certain chemicals that have limited uses on specialty crops. Unfortunately, the EPA has interpreted the final language to mean that they would not be able to continue to offer this exemption. This bill that we are considering today would simply restore the status quo for these chemicals, as was the congressional intent.

I urge all of my colleagues to support this legislation.

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

□ 1500

Mr. CARDOZA. Madam Speaker, I just want to thank my colleague, the

very capable and wise gentleman from Oklahoma who has been a great friend throughout the years that I have been here and thank him for his assistance in this legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CARDOZA) that the House suspend the rules and pass the Senate bill, S. 2571.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. CARDOZA. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the bill just considered.

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

There was no objection.

PROTECT AMERICA ACT OF 2007 EXTENSION

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 976, proceedings will now resume on the bill (H.R. 5349) to extend the Protect America Act of 2007 for 21 days.

The Clerk read the title of the bill.

The SPEAKER pro tempore. When proceedings were postponed earlier today, 13½ minutes remained in debate.

The gentleman from Michigan (Mr. CONYERS) has 7 minutes remaining, the gentleman from Texas (Mr. SMITH) has 4½ minutes remaining, and the gentleman from Michigan (Mr. HOEKSTRA) has 2 minutes remaining.

Mr. CONYERS. Madam Speaker, I would begin by yielding myself as much time as I may consume.

Members of the House, after delaying consideration of the House-passed RESTORE Act for months, just last night the other body has passed a very troubling FISA bill. Their action comes only 3 days before the expiration of the temporary bill which expires this Saturday, and we have a number of problems with the legislation coming from the other side.

First, it provides blanket retroactive amnesty for telecom companies that took part in warrantless surveillance programs. Now I have never heard, in my legal experience, that retroactive immunity, or immunity of any kind, can be given when you don't know what it is being given for, and that presents quite a large problem. Then there is no FISA Court review of certain authorizations generally referred to as ''basket warrants'' until after the wiretapping starts. It creates a problem that we would use the additional 21 days that we are asking for, I think that would come under very close examination.

And then there are much weaker provisions on stopping other warrantless wiretapping, for example, reverse targeting of U.S. citizens and the question of sufficient congressional oversight.

So based on the documents that have been provided so far, and they are far from complete, I have letters of requests in great detail, the case for amnesty has really not been made.

The administration's bluster and fear-mongering don't do any of us very well. That doesn't serve the purpose of our legislative function and our relationship with the several branches of government. And it should be understood as perhaps another attempt to use national security for partisan ends.

The administration's view is that the President, as Commander in Chief, can spy on Americans in the United States without a warrant, a proposition that is very seriously contested by many of our constitutional and civil liberties authorities. Congress is committed to providing the executive branch the tools it needs. But we need to do so to make sure that the power to spy on Americans is not subject to abuse or misuse. All of us in this body think that that is of paramount concern.

The administration has requested that the Congress rubber-stamp its proposed legislation but has refused to provide Congress the information that would even purport to support the legislation. It is the administration that has unfortunately played politics with this issue. The administration still hasn't provided us with all of our requested documents.

Just yesterday, another letter was sent requesting the same information we have been asking for for so long. The House can't simply be stonewalled or ignored. And it cannot exercise its constitutional responsibility and then be bullied to rubber-stamp complicated and important legislation that impacts on national security.

We hope that the measure before us today will be passed resoundingly in a bipartisan way.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield myself 1½ minutes.

Madam Speaker, this extension does nothing more than contribute uncertainty to our intelligence community and put our foreign surveillance activities at risk. We have a bill we can pass right now. Yesterday, the Senate approved its bipartisan FISA bill by an overwhelming majority of 68–29. The Senate bill addresses the concerns of our intelligence community and has strong bipartisan support.

The intelligence community needs a long-term fix to gaps in our intelligence laws now, not 21 days from now. What message does it send that we lack confidence in our intelligence community? Why are we making ourselves vulnerable to those who want to hurt us? Spies and terrorists don't operate by deadlines and sunsets. Neither should our intelligence laws.

We cannot allow the Protect America Act to expire and return to the status quo, unable to begin any new foreign surveillance. The time to act is now. Another extension represents a failure by the House Democratic majority to protect the American people.

We should reject this extension and urge the Democratic leadership to allow the House to consider the Senate bill, which has majority support in the House.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I reserve my time at this point.

□ 1515

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

Madam Speaker, what we try to do in the Intelligence Committee is to define the threat that is out there. We know that radical jihadists, al Qaeda, that it is a real threat. We attempt to provide our intelligence community with the tools that are necessary to give us, as policymakers, and others the information that is necessary to keep America safe. And at least some of us are in the business of prevention, making sure that there is not another successful attack against the United States; others are in the mode of, well, let another attack, if it happens, we want to be in a position to prosecute.

When we get down to FISA, I went through this earlier, October 25, 2001; November 14, 2001; March 5, 2002; June 12, 2002, Members of the House of Representatives were briefed on this program. Our Speaker of the House was briefed on this program, understanding what the program was, or hopefully understanding or at least asking the questions to get understanding about what the program was, what it intended to do, and the kind of information it was going to get, and the legal boundaries, the legal ramifications, and who was participating in these programs.

Now what they want to do and some want to do is throw these companies that were the Good Samaritans that decided they were going to help us, just throw them under the bus, even though, on a bipartisan basis, the legislative branch and the executive branch asked these folks and decided that these were the things that needed to be done.

The impact of this is this is having a chilling effect on all of those individuals and corporations that, from time to time, are being asked to help to keep us safe. It is like saying we saw what you did to these other folks. We are not going to be next. We are going to have to wield a fiduciary responsibility to our shareholders.

Again, it is the tradition and the experience and background of what some want to do to the intelligence community. Under President Clinton, there were massive cuts in the intelligence community. We devastated the community through the Deutch doctrine, where we cut back on human assets. And now we are doing it again. We won't give the intelligence community the tools that they need. We focus on global warming and we focus on partisan investigations. That will not keep America safe.

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

Mr. CONYERS. Madam Speaker, I am pleased to yield 1 minute to the distinguished majority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the distinguished chairman for yielding me the time. I thank him as well for his leadership. I thank Mr. REYES for his leadership. And, yes, I thank Mr. HOEKSTRA for his leadership as well, as well as Mr. SMITH.

This is a very serious issue we confront today. This bill passed the Senate less than 24 hours ago; yet this coequal branch of the government of the United States is asked to do what the minority when it was in the majority would never have done, to take exactly what the Senate tells us to take, or, frankly, what the President tells us to take.

Now, let me say that we passed a bill November 15, 3 months ago, which gave the FISA Court and which gave the intelligence community everything they needed, given the technological changes and given the demands of keeping America safe. Everything. The Senate passed a bill out of their committee at about the same time.

But I want to tell my friends on the other side of the aisle, in the Senate you have been slow-walking this bill. You have been slow-walking this bill to put us in the position we find ourselves in today. And you did it because the issue here is not the intelligence community, as Mr. HOEKSTRA talked about. It is the telecommunications companies. That is what the issue is here. Because title I would have been conferenced months ago. But, no, we do not want to apparently look very closely at what happened between the administration and the telecommunications companies.

Now, we passed a statute which said to the telecommunications companies, look, when we make phone calls, they need to be private and you can't disclose those to people, including the government, without a court order. We passed the FISA Court bill specifically to provide for the ability of our intelligence community to intercept communications, but to do so under the aegis of a court. That is what we do in America. It makes us a little different. Some governments, of course, do willy-nilly whatever they want to do.

This is not just about FISA. We incarcerate people without hearings, without lawyers. We torture people, contrary to the edicts of the international law, rationalized by an Attorney General of the United States in a memo to the President of the United States.

But I tell my friends that nobody in this institution ought to have any self-respect if what you are saying is we ought not to go to conference on this important issue, which is what you say by voting against this extension. This extension is caused almost solely by the members of the President's party in the United States Senate who would not allow this legislation to move more quickly in the Senate.

Madam Speaker, I believe our friends on the other side of the aisle and the President of the United States are taking an untenable position. And what is that position? On the one hand, if the Protect America Act expires, America will be at risk. On the other hand, if we extend and keep in force the Protect America Act, the President says he will veto it. Now, I don't know what kind of Lewis Carroll logic that is, but it certainly escapes me. If in fact, and I don't agree with the President, but if in fact it is important to keep the Protect America Act in place, then passing this extension is the best way to do so.

Now, I think there are some things that we can discuss in conference. I, frankly, have told the White House as late as just a few hours ago that I think we can discuss possible ways to move forward on this, because there is not a person on this floor that doesn't want to protect America, that doesn't want to facilitate the interception of communications valuable to that objective of protecting America and Americans.

I urge all my colleagues on both sides of the aisle to vote for this extension, just as we did by unanimous consent essentially without a vote just a few weeks ago. The contemplation then was that the Senate would act. But the Senate did not act. It did not act until less than 24 hours ago, last night, late afternoon, and now we are confronted with take it or leave it.

Do we have no self-respect in this institution? Do we have no sense of responsibility to oversee that which has been passed, to go to conference and discuss our differences? There are differences, as you know. I would hope that every Member would say to themselves, yes, we have that kind of self-respect, and we understand our responsibility as an independent House of the Congress of the United States.

The logic of the opponents of this legislation, as I said, escapes me. The Protect America Act is imperative, they say, but they oppose its extension, as I said.

Madam Speaker, I support this 21-day extension. I want everybody on this House floor to understand that if we have a 21-day extension, I am hopeful that we will go to conference, I am hopeful the Senate will agree to a conference, and I am hopeful that we can engage Republicans and Democrats on the Intelligence Committee, on the Judiciary Committee, in an honest conference trying to resolve our differences and pass legislation that helps protect America. I want to remind my colleagues that this body has already passed reauthorization, so there is no need to do that. We are ready for conference right now.

So, Madam Speaker, in closing, let me urge every Member of this House, whether you are for or against the Protect America Act, whether you are for or against immunity, whether you are for or against title I of this bill, vote for this extension, just as you would vote for a CR and not shut down the government in order to give us time to pass appropriation bills fully. That is what this is, simply to give us 3 weeks, 10 days of which we won't be here, to address this very thorny issue on which there are legitimate differences of opinion.

The only other thing one could conclude is simply we are taking the position of ''Take it or leave it, House. Don't exercise your judgment, House. Don't meet your responsibilities to the American people, House.''

That is not what our constituents expect us to do. Vote for this extension.

Madam Speaker, I believe our friends on the other side of the aisle and the President of the United States are taking an untenable position on this legislation to provide a 21-day extension of the Protect America Act. On one hand, they argue that the extension of the PAA is vital to our national security. Yet, on the other hand, they come to this floor and oppose—and the President is threatening to veto—the 21-day extension of the PAA.

The logic of the opponents of this legislation escapes me. The PAA is imperative, they say. But they oppose its extension?

Madam Speaker, I support this 21-day extension. Here's why: it represents progress toward a final measure to modernize the Foreign Intelligence Surveillance Act.

I want to remind my colleagues that this body has already passed legislation to reauthorize FISA. On November 15—3 months ago this Friday—the House passed the Restore Act, a bill that modernizes the technologically outdated FISA statute, gives the intelligence community the authority to intercept critical foreign communications, and honors our constitutional principles.

As we all know, this is a complicated issue. That is precisely why we're doing this extension today. With this vote, we are declaring that we will not just take whatever legislation the Senate sends us and rubber-stamp it. We are declaring that this body has a prerogative and a role in making law.

The bottom line is: responsible people in both Chambers want an opportunity to work out the differences between the House and Senate bills.

Let me close by saying, I do not agree with those who contend that the expiration of the PAA will jeopardize our national security. And, I am not alone in this view.

For example, Richard Clarke, the former chief National Security Council counterterrorism advisor to Presidents Clinton and George W. Bush, has stated (and I quote):

Our ability to track and monitor terrorists overseas would not cease should the Protect

America Act expire. If this were true, the President would not threaten to terminate any temporary extension with his veto pen. All surveillance currently occurring would continue even after legislative provisions lapsed because authorizations issued under the act are in effect up to a full year.

And, Kenneth Wainstein, the Assistant Attorney General for National Security, recently said in an interview—according to the New York Times—that if the PAA expires, intelligence officials would still be able to continue eavesdropping on already approved targets for another year under the law.

We must not fall prey to fearmongers who claim that our intelligence community could "go dark." That is simply not true.

I urge my colleagues: pass this 21-day extension of the PAA so that we may try to work out our differences with the Senate-passed legislation, and enact legislation that protects our national security and the constitutional rights of the American people.

Mr. SMITH of Texas. Madam Speaker, I yield the balance of my time, 3 minutes, to the gentleman from California (Mr. DANIEL E. LUNGREN), who has some instructive math to share with us.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I listened closely to the words of my friend from Maryland just a moment ago, and I want to assure him that I do have self-respect and I have respect for this institution. I would not have returned here after a 16-year absence if I had any other feeling. But I returned to this place because of the aftermath of 9/11, feeling that those of us who thought we might make a contribution to the defense of this Nation in whatever way we could ought to do that. And based on that, I will have to tell you, this issue is probably one of the two or three most important issues that I have dealt with since I returned to this institution.

We cannot and we will not continue to protect the American people if we are absent that kind of quality intelligence that is necessary for us to be able to figure out what the threat is and to figure out what the threat is before that threat is acted upon by the enemy. That is why this is so important. And integral to our being successful in doing that is being able to ask for assistance by those who have in their power to give assistance.

That is why it is so important, the matter the gentleman from Maryland referred to, the question of whether or not we would grant immunity to those companies who said yes when the American Government came to them in the aftermath of 9/11 and said we need your help. Without your help, it is impossible for us to get that kind of information that we will be able to utilize to be able to prevent another 9/11.

Now, the gentleman from Maryland said we haven't had enough time. I would suggest as one of the 19 members of the Judiciary Committee, I was given the opportunity, as were Members on your side of the aisle, to review that material that you say we haven't had for a long enough period of time. Interestingly enough, we have had 1 day short of 3 weeks to look at that material. So what makes anybody think if we are given 3 more weeks, 3 more weeks, that the majority side will say that is enough?

The gentleman from Maryland says he doesn't support the Protect America Act, but we are being asked on the floor to extend it for 3 more weeks. The gentleman from Maryland says just 3 more weeks. The vast majority of Members on your side of the aisle voted against it.

So how do we get to a majority position in this House dealing with that necessity of gaining this information while protecting the civil liberties of our fellow citizens? Maybe it is instructive to look at the letter dated January 28 signed by 21 Members of your side of the aisle asking the Speaker of the House to allow us to vote on, what, the very bill passed by the Senate yesterday. The very bill passed by the Senate yesterday was the subject of the letter by 21 Members of your side of the aisle. If you add those Members to our side of the aisle, that is a majority.

Allow us to vote on that up or down. Allow the majority will of this House to be done.

Mr. CONYERS. Madam Speaker, we have the right to close. Are there any more speakers?

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

□ 1530

Mr. CONYERS. Madam Speaker and Members of the House, what we have discussed this afternoon is far too important to rush the legislative process. I hope we will rise above partisanship today and act responsibly to defend the Constitution as we have all taken an oath to do. And so I urge the bipartisan passage of the measure that has been debated.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H.R. 5349, to extend the Protect America Act of 2007 for 21 days. Let me be clear that while I do not support legislation that grants legal immunity to telecommunications companies that provide information to Federal investigators without a warrant, I recognize that the current legislation is set to expire this Saturday, February 16th. Although I do not support the Protect America Act, we need more time to work with our colleagues in the Senate on the substance of this legislation in order to ensure that we reconcile the Senate language with the RESTORE Act (H.R. 3773), which we passed in the House on November 15, 2007.

I would like to thank my Senate colleague Senator FEINGOLD, from Wisconsin, for his diligent work in trying to amend this legislation to protect American civil liberties, both at home and abroad.

Homeland security is not a Democratic or a Republican issue, it is not a House or Senate issue; it is an issue for all Americans—all of us.

The original legislation offered by the House Majority gave the Administration everything that they needed, but what the Senate is proposing virtually throws our Bill of Rights out the window, because they are telling Americans that no matter what your business is, you are subject to the unchecked scrutiny of the Attorney General without judicial intervention.

I am disheartened by the other body for their failure to recognize that we can secure America by passing responsible electronic surveillance legislation that does not compromise our civil liberties.

Madam Speaker, in August of this year, I strongly opposed S. 1927, the so-called "Protect America Act" (PAA) when it came to a vote on the House floor. Had the Bush administration and the Republican-dominated 109th Congress acted more responsibly in the 2 preceding years, we would not have been in the position of debating legislation that had such a profoundly negative impact on the national security and on American values and civil liberties in the crush of exigent circumstances. As that regrettable episode clearly showed, it is true as the saying goes that haste makes waste.

The PAA was stampeded through the Congress in the midnight hour of the last day before the long August recess on the dubious claim that it was necessary to fill a gap in the Nation's intelligence gathering capabilities identified by Director of National Intelligence Mike McConnell. But in reality it would have eviscerated the Fourth Amendment to the Constitution and represented an unwarranted transfer of power from the courts to the Executive Branch and a Justice Department led at that time by an Attorney General whose reputation for candor and integrity was, to put it charitably, subject to considerable doubt.

The RESTORE Act, H.R. 3773, is superior to the PAA by orders of magnitude. This is due in no small measure, Madam Speaker, to the willingness of the leadership to reach out to and work with all members of the House. The result shows. The RESTORE Act does not weaken our Nation's commitment to its democratic traditions. Rather, it represents a sound policy proposal for achieving the only legitimate goals of a terrorist surveillance program, which is to ensure that American citizens and persons in America are secure in their persons, papers, and effects, but terrorists throughout the world are made insecure. Let me direct the attention of all members to several of the more important aspects of this salutary legislation.

First, H.R. 3773 explicitly affirms that the exclusive law to follow with respect to authorizing foreign surveillance gathering on U.S. soil is the Foreign Intelligence Surveillance Act (FISA). As initially enacted by Congress in 1978, the exclusivity of FISA was undisputed and unambiguous. I hasten to add, however, that while FISA remains the exclusive source of law, H.R. 3773 recognizes that the law as enacted in 1978 can and should be adapted to modem circumstances and to accommodate new technologies. And it does so by making clear that foreign-to-foreign communications are not subject to the FISA, even though modern technology enables that communication to be routed through the United States.

Second, under H.R. 3773, the Foreign Intelligence Surveillance Court (FISC) is indispensable and is accorded a meaningful role in ensuring compliance with the law. The bill ensures that the FISC is empowered to act as an Article III court should act, which means the court shall operate neither as a rubber-

stamp nor a bottleneck. Rather, the function of the court is to validate the lawful exercise of executive power on the one hand, and to act as the guardian of individual rights and liberties on the other.

Third, the bill does not grant amnesty to any telecommunications company or to any other entity or individual that helped federal intelligence agencies spy illegally on innocent Americans. I strongly support this provision because granting such blanket amnesty for past misconduct will have the unintended consequence of encouraging telecommunications companies to comply with, rather than contest, illegal requests to spy on Americans. The only permissible path to legalization of conduct in this area is full compliance with the requirements of the Foreign Intelligence Surveillance Act.

Moreover, Madam Speaker, it is important to point out that the loudest demands for blanket immunity come not from the telecommunications companies but from the Administration, which raises the interesting question of whether the Administration's real motivation is to shield from public disclosure the ways and means by which government officials may have ''persuaded'' telecommunications companies to assist in its warrantless surveillance programs. I call my colleagues' attention to an article published in the Washington Post in which it is reported that Joseph Nacchio, the former CEO of Qwest, alleges that his company was denied NSA contracts after he declined in a February 27, 2001 meeting at Fort Meade with National Security Agency (NSA) representatives to give the NSA customer calling records.

Madam Speaker, the authorization to conduct foreign surveillance on U.S. soil provided by H.R. 3773 is temporary and will expire in 2 years if not renewed by the Congress. This is perhaps the single most important limitation on the authority conferred on the Executive Branch by this legislation. The good and sufficient reason for imposing this limitation is because the threats to America's security and the liberties of its people will change over time and thus require constant vigilance by the people's representatives in Congress.

To give a detailed illustration of just how superior the RESTORE Act is to the ill-considered and hastily enacted Protect America Act, I wish to take a few moments to discuss an important improvement in the bill that was adopted in the full Judiciary Committee markup.

The Jackson Lee amendment added during the markup made a constructive contribution to the RESTORE Act by laying down a clear, objective criterion for the administration to follow and the FISA court to enforce in preventing reverse targeting.

''Reverse targeting,'' a concept well known to members of this Committee but not so well understood by those less steeped in the arcana of electronic surveillance, is the practice where the government targets foreigners without a warrant while its actual purpose is to collect information on certain U.S. persons.

One of the major concerns that libertarians and classical conservatives, as well as progressives and civil liberties organizations, have with the PAA is that the understandable temptation of national security agencies to engage in reverse targeting may be difficult to resist in the absence of strong safeguards in the PAA to prevent it.

My amendment reduces even further any such temptation to resort to reverse targeting by requiring the administration to obtain a regular, individualized FISA warrant whenever the ''real'' target of the surveillance is a person in the United States.

The amendment achieves this objective by requiring the Administration to obtain a regular FISA warrant whenever a ''significant purpose of an acquisition is to acquire the communications of a specific person reasonably believed to be located in the United States.'' The current language in the bill provides that a warrant be obtained only when the Government ''seeks to conduct electronic surveillance'' of a person reasonably believed to be located in the United States.

It was far from clear how the operative language ''seeks to'' is to be interpreted. In contrast, the language used in my amendment, ''significant purpose,'' is a term of art that has long been a staple of FISA jurisprudence and thus is well known and readily applied by the agencies, legal practitioners, and the FISA Court. Thus, the Jackson Lee amendment provides a clearer, more objective, criterion for the Administration to follow and the FISA court to enforce to prevent the practice of reverse targeting without a warrant, which all of us can agree should not be permitted.

Let us be clear, Madam Speaker, that nothing in the bill or in my amendment requires the Government to obtain a FISA order for every overseas target on the off chance that they might pick up a call into or from the United States. Rather, the bill requires, as our amendment makes clear, a FISA order only where there is a particular, known person in the United States at the other end of the foreign target's calls in whom the Government has a significant interest such that a significant purpose of the surveillance has become to acquire that person's communications.

This will usually happen over time and the Government will have the time to get an order while continuing its surveillance. And it is the national security interest to require it to obtain an order at that point, so that it can lawfully acquire all of the target person's communications rather than continuing to listen to only some of them.

The Jackson Lee amendment gives the Government precisely what Director of National Intelligence McConnell asked for when he testified before the Senate Judiciary Committee:

> It is very important to me; it is very important to members of this Committee. We should be required—we should be required in all cases to have a warrant anytime there is surveillance of a U.S. [sic] person located in the United States.

In short, the Jackson Lee amendment makes a good bill even better. For this reason alone, civil libertarians should enthusiastically embrace the RESTORE Act.

Nearly two centuries ago, Alexis de Tocqueville, who remains the most astute student of American democracy, observed that the reason democracies invariably prevail in any martial conflict is because democracy is the governmental form that best rewards and encourages those traits that are indispensable to martial success: initiative, innovation, resourcefulness, and courage.

As I wrote in the Politico, ''the best way to win the war on terror is to remain true to our democratic traditions. If it retains its democratic character, no nation and no loose confederation of international villains will defeat the United States in the pursuit of its vital interests.''

Thus, the way forward to victory in the war on terror is for the United States country to redouble its commitment to the Bill of Rights and the democratic values which every American will risk his or her life to defend. It is only by preserving our attachment to these cherished values that America will remain forever the home of the free, the land of the brave, and the country we love.

I would ask my colleagues to support this 21-day extension so that we may work together as a body, Members of both the House and the Senate to provide our citizens with the protections they so richly deserve. We need to have time to reconcile the differences between the House and the Senate in order to ensure that the important provisions of the RESTORE Act protecting the constitutional rights of Americans is preserved. I ask my colleagues to support the Bill of Rights and national security by supporting the 21-day extension in H.R. 5349.

Madam Speaker, FISA has served the Nation well for nearly 30 years, placing electronic surveillance inside the United States for foreign intelligence and counter-intelligence purposes on a sound legal footing, and I am far from persuaded that it needs to be jettisoned.

First, I was prepared to accept temporarily obviating the need to obtain a court order for foreign-to-foreign communications that pass through the United States. However, I continue to insist upon individual warrants, based on probable cause, when surveillance is directed at people in the United States. This can be negotiated during this 21-day extension period.

The Attorney General must still be required to submit procedures for international surveillance to the Foreign Intelligence Surveillance Court for approval, but the FISA Court should not be allowed to issue a ''basket warrant'' without making individual determinations about foreign surveillance.

In all candor, Madam Speaker, I must restate my firm conviction that when it comes to the track record of this President's warrantless surveillance programs, there is still not enough on the public record about the nature and effectiveness of those programs, or the trustworthiness of this administration, to indicate that they require a blank check from Congress.

The Bush administration did not comply with its legal obligation under the National Security Act of 1947 to keep the Intelligence Committees ''fully and currently informed'' of U.S. intelligence activities. Congress cannot continue to rely on incomplete information from the Bush administration or revelations in the media. It must conduct a full and complete inquiry into electronic surveillance in the United States and related domestic activities of the NSA, both those that occur within FISA and those that occur outside FISA.

The inquiry must not be limited to the legal questions. It must include the operational details of each program of intelligence surveillance within the United States, including: (1) Who the NSA is targeting; (2) how it identifies its targets; (3) the information the program collects and disseminates; and most important, (4) whether the program advances national security interests without unduly compromising the privacy rights of the American people.

Given the unprecedented amount of information Americans now transmit electronically and the post-9/11 loosening of regulations governing information sharing, the risk of intercepting and disseminating the communications of ordinary Americans is vastly increased, requiring more precise—not looser—standards, closer oversight, new mechanisms for minimization, and limits on retention of inadvertently intercepted communications.

Madam Speaker, the legislation before us is only necessary to give this body time to work with our colleagues in the Senate. The 21-day extension will give us time to impress upon the Senate, how important it is to protect the civil rights of all Americans.

I encourage my colleagues to join me in a vote of support of this 21-day extension. H.R. 5349 gives us time to amend the unwise and ill-considered reauthorization of the Protect America Act of 2007.

Mr. VAN HOLLEN. Madam Speaker, I rise today in support of H.R. 5349, a twenty one day extension of the Protect America Act. I believe that this short term extension is necessary to achieve a long term solution to update our foreign surveillance laws in a manner that will protect the civil liberties of Americans.

I voted against the Protect America Act last August because I believe that it seriously compromises the civil liberties of Americans. I am still opposed to it as a permanent solution to our need to conform our surveillance laws to changes in telecommunication technology. Fortunately, it was scheduled to sunset in 6 months to provide additional time to correct our foreign surveillance law in a balanced manner.

The House passed such a balanced bill, H.R. 3773, the RESTORE Act, in November. I voted for this bill because I believe that it establishes the proper balance between the protection of civil liberties and the needs of our intelligence agencies to have access to critical information. Unfortunately, the Senate passed their bill yesterday giving us no time to reconcile the differences between the respective bills. Moreover, I have serious objections to the Senate bill which is dramatically different than its House counterpart.

Significant work must be done to harmonize these bills in a manner that will be acceptable to me. Consequently, it is necessary to provide additional time for the committees of jurisdiction to craft a balanced bicameral solution.

Mr. UDALL of New Mexico. Madam Speaker, I rise today to voice my opposition to H.R. 5349, which extends the Protect America Act. Last August, I joined 182 of my colleagues in opposing the Protect America Act. I opposed the PAA then because I felt it did not adequately protect our civil liberties from a continually over-reaching executive branch. The Bush administration has repeatedly tried, and with some degree of success, to extend its powers in ways that I believe encroach on our civil liberties. This legislation continues to allow these surveillance activities without providing adequate safeguards to protect Americans from this encroachment on their civil liberties.

The passage of the PAA was hasty and ill-conceived. Our intelligence community will not stop its activities should this bill expire. In fact, the PAA explicitly states that authorizations issued prior to its expiration would remain in effect until their expiration. Knowing that our Nation can continue to protect itself until more balanced legislation is passed, I can not support this extension.

Last November, the House took a stand and passed the RESTORE Act, a strong bill that gives our intelligence community the resources it needs to do its job, but also ensures that our Constitutionally guaranteed rights remain intact. Because the RESTORE Act was able to achieve all these purposes, I was able to support its passage. Because the PAA does not achieve this balance, I cannot agree to let it remain our rule of law. I continue to believe that we must have the best possible intelligence to protect our nation, but that it can be done in a manner that does not uproot the basic rights and principles guaranteed to us by our Founding Fathers. I look forward to working with my colleagues to build on the RESTORE Act.

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

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 976, the bill is considered read and the previous question is ordered.

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

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

MOTION TO RECOMMIT OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Madam Speaker, I have a motion to recommit at the desk.

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

Mr. SMITH of Texas. Madam Speaker, I am in its current form.

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

The Clerk read as follows:

Mr. Smith of Texas moves to recommit the bill, H.R. 5349, to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the text of the bill H.R. 3773 as passed by the Senate on February 12, 2008.

POINT OF ORDER

Mr. CONYERS. Madam Speaker, I raise a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. CONYERS. The motion to recommit is not germane to the bill under consideration and therefore should not be considered.

H.R. 5349 seeks a 21-day extension of the Protect America Act as previously amended, thus amending the act so that it would expire not 195 days but 216 days after enactment.

The motion to recommit goes beyond the scope of the bill, and beyond the scope of the Protect America Act the bill temporarily extends, to make permanent changes to the FISA law, including retroactive legal amnesty for telecom companies who may have broken the law in cooperating with earlier surveillance activities. Because it goes beyond the scope of the bill and deals with a different purpose, it is not germane.

Mr. SMITH of Texas. Madam Speaker, I wish to be heard on the point of order.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas.

Mr. SMITH of Texas. Madam Speaker, it is unfortunate that the Democratic majority is insisting on a procedural objection to block consideration of this motion to recommit. This motion substitutes the bipartisan bill passed yesterday by the Senate 68–29 to improve FISA, a bill that would dramatically improve our national security. It is sad to see the Democratic majority put procedure over substance when it comes to protecting Americans from terrorists.

There is nothing more germane to the security of the American people than to take up the Senate bill as quickly as possible. Therefore, I would ask the gentleman from Michigan, the chairman of the Judiciary Committee, to withdraw his point of order and allow for an up or down vote on the bipartisan Senate reform bill. I hope the gentleman will withdraw his point of order and allow us to take a vote on a bill supported by both parties in the Senate, the administration, and many Democrats in the House.

Again, I would like to reiterate my disappointment that the majority has raised a point of order against this motion to recommit. We need to stop playing procedural games with our national security and take a vote now on the Senate-passed bill to improve FISA.

Mr. CONYERS. Madam Speaker, I have never violated parliamentary procedure, and I would insist upon the point of order.

The SPEAKER pro tempore. The Chair is prepared to rule.

The gentleman from Michigan makes a point of order that the motion to recommit offered by the gentleman from Texas proposes an amendment that is not germane to the bill.

Clause 7 of rule XVI provides that no proposition on a subject different from that under consideration shall be admitted under color of amendment.

The bill, H.R. 5349, extends the Protect America Act of 2007 for a limited time.

The instructions contained in the motion to recommit propose permanent changes in law.

A general principle of the germaneness rule is that where a bill is composed only of a temporary extension of existing programs, an amendment making permanent changes in law relating to such programs is not germane.

The Chair will note a relevant precedent. On December 2, 1982, the Chair ruled that an amendment permanently changing the organic law governing an agency's operation was not germane to a bill that merely provided a temporary authorization for the agency. This precedent is recorded on page 722 of the House Rules and Manual.

Therefore, in the opinion of the Chair, the instructions contained in the motion to recommit are not germane. The point of order is sustained.

Mr. SMITH of Texas. Madam Speaker, I move to appeal the Speaker's ruling.

The SPEAKER pro tempore. The question is: ''Will the decision of the Chair stand as the judgment of the House?''

MOTION TO TABLE OFFERED BY MR. CONYERS

Mr. CONYERS. Madam Speaker, I move to table.

The SPEAKER pro tempore. The question is on the motion to table the appeal.

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

Mr. SMITH of Texas. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on the motion to table will be followed by 5-minute votes on passage of the bill, if ordered, and if arising without further debate or proceedings in recommital; and motions to suspend the rules with regard to House Resolution 960 and House Resolution 917.

The vote was taken by electronic device, and there were—yeas 222, nays 196, not voting 10, as follows:

[Roll No. 53]

YEAS—222

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

NAYS—196

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
Carney
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
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)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
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—10

Gilchrest
Hinojosa
Honda
Lowey
McGovern
Ortiz
Pickering
Renzi
Ruppersberger
Towns

□ 1602

Messrs. ADERHOLT, KINGSTON, INGLIS of South Carolina and CARNEY changed their vote from ''yea'' to ''nay.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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

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

RECORDED VOTE

Mr. SMITH of Texas. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 5-minute vote on the passage of the bill will be followed by a 5-minute vote on the motion to suspend the rules on House Resolution 960. The vote on the motion to suspend the rules on House Resolution 917 will be taken later.

The vote was taken by electronic device, and there were—ayes 191, noes 229, not voting 9, as follows:

[Roll No. 54]

AYES—191

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hirono
Hodes
Holden
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pastor
Pelosi
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Roybal-Allard
Rush

Ryan (OH)
Salazar
Sánchez, Linda T.
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Tsongas
Udall (CO)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wynn
Yarmuth

NOES—229

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

NOT VOTING—9

Gilchrest
Hinojosa
Honda
Lowey
Ortiz
Pickering
Renzi
Ruppersberger
Towns

□ 1611

So the bill was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONGRATULATING THE NATIONAL FOOTBALL LEAGUE CHAMPION NEW YORK GIANTS FOR WINNING SUPER BOWL XLII

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 960, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. BUTTERFIELD) that the House suspend the rules and agree to the resolution, H. Res. 960.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 1, answered ''present'' 2, not voting 13, as follows:

[Roll No. 55]

YEAS—412

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

NAYS—1

Murphy, Patrick

ANSWERED ''PRESENT''—2

Kagen
Shea-Porter

NOT VOTING—13

Blackburn
Ellison
Gilchrest
Hinojosa
Honda
Lowey

Ortiz	Ruppersberger	Waters
Pickering	Stark	
Renzi	Towns	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1619

Mr. WELCH of Vermont changed his vote from ''present'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING ROB COGORNO

(Mr. HOYER asked and was given permission to address the House for 1 minute out of order.)

Mr. HOYER. Madam Speaker, over the years, we have been greatly advantaged by some extraordinary people who work with us and for us. I have been particularly advantaged as the minority whip with an extraordinary man who has worked for me now for 5 years. Prior to that, he worked for Dick Gephardt for many years and has been on this floor working on behalf of not only the majority side or the minority side, depending on what the Democrats were, but also in trying to make sure that this institution talked to one another and worked together as well as it possibly could.

He is going to be retiring now after 25 years of service to this institution. He's been a congressional staffer since 1983. He has served as floor director for the majority leader since January of 2007, myself. In that capacity, he has been responsible for scheduling bills and managing the daily legislative program. He's provided tremendous legislative advice to so many of you on the floor who have gone to him and asked him for his counsel. He's provided policy advice to our side of the aisle and policy discussion with your side of the aisle, and he has also been a communications counsel.

There is nobody who knows this young man who does not like him. He is a decent, good, very smart, wonderful human being.

He served as floor director in my office, as I said, for 4 years. Prior to that, Rob was the chief appropriations staffer for former Democratic Leader Dick Gephardt, and he also worked for Representatives ROSA DELAURO and PETER VISCLOSKY. In those positions, his primary areas of focus included appropriations, global health, and foreign assistance.

During his career, Rob also worked for former Senator Brock Adams and former Representatives Jimmy Hayes, Cathy Long, and Gillis Long.

Rob is a graduate of the University of California Berkeley with a bachelor's degree in physiology and earned a master's in public policy at the University of Washington, and before that, was floor director for the Democratic whip's office.

All of us have deep affection for those people who spend extraordinary amounts of time at pay, which is not comparable to what they would be earning in the private sector. And I want to say, Rob Cogorno, to you, how very much I appreciate all that you have done for this institution, all that you have done for me as an individual, and I know I speak for all of the Members that we will greatly miss your advice and your counsel, your good humor and your good judgment. And we say to you, we wish you the very best of luck in everything you do.

I might also say that the young man who just gave me another piece of paper with some business is Rob's successor, and I urge Members of both sides of the aisle when he can be helpful to you, give you advice in terms of scheduling or the calendar in terms of when we are doing business, Alejandro Perez, my new floor director.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. HOYER. Madam Speaker, I offer a privileged concurrent resolution (H. Con. Res. 293) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 293

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, February 14, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Friday, February 15, 2008, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; that when the House adjourns on the legislative day of Friday, February 15, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 10 a.m. on Tuesday, February 19, 2008, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; that when the House adjourns on the legislative day of Tuesday, February 19, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until noon on Thursday, February 21, 2008, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; that when the House adjourns on the legislative day of Thursday, February 21, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, February 25, 2008, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Friday, February 15, 2008, through Friday, February 22, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, February 25, 2008, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

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

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

RECORDED VOTE

Mr. UPTON. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on H. Con. Res 293 will be followed by a 5-minute vote on the motion to suspend the rules on H. Res. 917.

The vote was taken by electronic device, and there were—ayes 215, noes 203, not voting 10, as follows:

[Roll No. 56]

AYES—215

Abercrombie	Edwards	Lynch
Allen	Ellison	Mahoney (FL)
Altmire	Emanuel	Maloney (NY)
Andrews	Engel	Markey
Arcuri	Eshoo	Marshall
Baca	Etheridge	Matheson
Baird	Farr	Matsui
Baldwin	Fattah	McCarthy (NY)
Barrow	Filner	McCollum (MN)
Becerra	Frank (MA)	McDermott
Berkley	Gonzalez	McGovern
Berman	Gordon	McIntyre
Berry	Green, Al	McNerney
Bishop (GA)	Green, Gene	McNulty
Bishop (NY)	Grijalva	Meek (FL)
Blumenauer	Gutierrez	Meeks (NY)
Boren	Hall (NY)	Melancon
Boswell	Hare	Michaud
Boucher	Harman	Miller (NC)
Boyd (FL)	Hastings (FL)	Miller, George
Brady (PA)	Higgins	Mollohan
Braley (IA)	Hill	Moore (KS)
Brown, Corrine	Hinchey	Moore (WI)
Butterfield	Hirono	Moran (VA)
Capps	Hodes	Murphy (CT)
Capuano	Holden	Murtha
Cardoza	Holt	Nadler
Carnahan	Hooley	Napolitano
Carney	Hoyer	Neal (MA)
Castor	Inslee	Oberstar
Chandler	Israel	Obey
Clarke	Jackson (IL)	Olver
Clay	Jackson-Lee (TX)	Pallone
Cleaver	Jefferson	Pascrell
Clyburn	Johnson (GA)	Pastor
Cohen	Johnson, E. B.	Paul
Conyers	Jones (NC)	Payne
Cooper	Jones (OH)	Perlmutter
Costa	Kagen	Peterson (MN)
Costello	Kanjorski	Pomeroy
Courtney	Kaptur	Price (NC)
Cramer	Kennedy	Rahall
Crowley	Kildee	Rangel
Cuellar	Kilpatrick	Reyes
Cummings	Kind	Richardson
Davis (AL)	Klein (FL)	Rodriguez
Davis (CA)	Lampson	Ross
Davis (IL)	Langevin	Rothman
Davis, Lincoln	Larsen (WA)	Roybal-Allard
DeFazio	Larson (CT)	Rush
DeGette	Lee	Ryan (OH)
Delahunt	Levin	Salazar
DeLauro	Lewis (GA)	Sánchez, Linda T.
Dicks	Lipinski	Sanchez, Loretta
Dingell	Loebsack	Sarbanes
Doggett	Lofgren, Zoe	Schakowsky
Doyle		

Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—203

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
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—10

Ackerman
Gilchrest
Hinojosa
Honda
Lowey
Ortiz
Pickering
Renzi
Ruppersberger
Towns

□ 1646

Mr. DONNELLY changed his vote from ''aye'' to ''no.''

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL ENGINEERS WEEK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 917, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. LIPINSKI) that the House suspend the rules and agree to the resolution, H. Res. 917.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 20, as follows:

[Roll No. 57]

YEAS—408

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

NOT VOTING—20

Ackerman
Berman
Braley (IA)
Clarke
English (PA)
Gilchrest
Hinojosa
Honda
Lowey
McCrery
Ortiz
Pickering
Radanovich
Renzi
Royce
Ruppersberger
Sherman
Towns
Waxman
Welch (VT)

□ 1655

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

HONORING AND PRAISING THE NAACP ON ITS 99TH ANNIVERSARY

Mr. COHEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 289) honoring and praising the National Association for the Advancement of Colored People on the occasion of its 99th anniversary.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 289

Whereas the National Association for the Advancement of Colored People (NAACP), originally known as the National Negro Committee, was founded in New York City on February 12, 1909, the centennial of Abraham Lincoln's birth, by a multiracial group of activists who answered 'The Call' for a national conference to discuss the civil and political rights of African-Americans;

Whereas the National Association for the Advancement of Colored People was founded by a distinguished group of leaders in the struggle for civil and political liberty, including Ida Wells-Barnett, W.E.B. DuBois, Henry Moscowitz, Mary White Ovington, Oswald Garrison Villiard, and William English Walling;

Whereas the NAACP is the oldest and largest civil rights organization in the United States;

Whereas the mission of the NAACP is to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination;

Whereas the NAACP is committed to achieving its goals through nonviolence;

Whereas the NAACP advances its mission through reliance upon the press, the petition, the ballot, and the courts, and has been persistent in the use of legal and moral persuasion, even in the face of overt and violent racial hostility;

Whereas the NAACP has used political pressure, marches, demonstrations, and effective lobbying to serve as the voice, as well as the shield, for minority Americans;

Whereas after years of fighting segregation in public schools, the NAACP, under the leadership of Special Counsel Thurgood Marshall, won one of its greatest legal victories in the Supreme Court's 1954 decision in Brown v. Board of Education;

Whereas in 1955, NAACP member Rosa Parks was arrested and fined for refusing to give up her seat on a segregated bus in Montgomery, Alabama—an act of courage that would serve as the catalyst for the largest grassroots civil rights movement in the history of the United States;

Whereas the NAACP was prominent in lobbying for the passage of the Civil Rights Acts of 1957, 1960, and 1964, the Voting Rights Act of 1965, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, and the Fair Housing Act, laws which ensured Government protection for legal victories achieved;

Whereas in 2005, the National Association for the Advancement of Colored People launched the Disaster Relief Fund to help survivors in Louisiana, Mississippi, Texas, Florida, and Alabama to rebuild their lives; and

Whereas in 2007, the NAACP was prominent in lobbying for the passage of H. Res. 826, ''The Noose Intimidation Bill'', which expresses ''that the hanging of nooses is a horrible act when used for the purpose of intimidation and which under certain circumstances can be a criminal act that should be thoroughly investigated by Federal law enforcement authorities and that any criminal violations should be vigorously prosecuted'': Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the 99th anniversary of the historic founding of the National Association for the Advancement of Colored People; and

(2) honors and praises the National Association for the Advancement of Colored People on the occasion of its anniversary for its work to ensure the political, educational, social, and economic equality of all persons.

The SPEAKER pro tempore (Mr. HODES). Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from Ohio (Mr. CHABOT) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. COHEN. 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 concurrent resolution.

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

There was no objection.

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

Today I rise and join my colleague, the Honorable AL GREEN of Texas, in honoring the National Association for the Advancement of Colored People on the occasion of its 99th anniversary. As we celebrate Black History Month, it is only appropriate that we do so by recognizing our Nation's oldest and largest civil rights organization.

The NAACP was founded on February 12, 1909, by Ida Wells-Barnett, W.E.B. DuBois, Henry Moscowitz, Mary White Ovington, Oswald Garrison Villard, and William English Walling.

Since its inception, the NAACP has united students, laborers, professionals, scholars, officials, and others of all races to advance its vision of ''a society in which all individuals have equal rights and there is no racial hatred or racial discrimination.''

Historically, the NAACP is probably best known for its role and that of Thurgood Marshall in the seminal case of Brown v. Board of Education, in which the Supreme Court held in 1954 that ''separate educational facilities are inherently unequal.'' Yet we must not forget that the NAACP has been at the forefront of all efforts to secure equality and justice for every American throughout the 20th century and now into the 21st century.

The NAACP spoke out against lynching, challenged racially biased Supreme Court Justice nominees as early as 1930, and pursued nondiscrimination policies in the military, war-related industries, and the Federal Government during the world wars.

At the height of the civil rights era, the NAACP fought battles on the ground, in the courtroom, and in Congress, where it lobbied for passage of civil rights legislation like the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

□ 1700

Since then and during our current session, NAACP has lobbied for hate crimes legislation and other legislation that protects minorities, not necessarily based on race, but based on discrimination.

Today, on the shoulders of distinguished members and leaders such as Dr. Martin Luther King, Jr., Coretta Scott King, Rosa Parks, Medgar Evers, Merlie Evers-Williams, Benjamin Hooks, Julian Bond, Jesse Turner, Jr., Maxine Vasco Smith, and Kweisi Mfume, the NAACP continues to fight the good fight.

Most recently the NAACP is promoting African American graduation and college readiness, protecting and advancing voting rights, and identifying solutions to the subprime mortgage foreclosure crisis. I have the privilege of working with the association to further those important efforts.

So in recognizing the NAACP's past and present, I again salute the organization on its near centennial anniversary. I am confident the NAACP will remain an integral part of our Nation's efforts to protect and promote civil rights in the future and move society forward in a progressive manner on a wide array of issues.

I urge my colleagues to support H. Con. Res. 289.

I reserve the balance of my time.

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

Mr. Speaker, I support and strongly urge my colleagues to support House Concurrent Resolution 289 which recognizes the 99th anniversary of the NAACP. For almost a century, the NAACP has fought to bring justice and racial equality to this Nation. It is appropriate that we review that history.

In 1917, the NAACP won a major legal victory in the Supreme Court which held that States could no longer restrict and officially segregate African Americans into particular residential districts. The same year, the NAACP fought for the right of black Americans to be commissioned as military officers during World War I.

In 1920, the NAACP held its annual conference in Atlanta, Georgia, which at the time was one of the most active areas for the Ku Klux Klan. As a result, the NAACP showed the world it would not be intimidated by racial violence.

In 1935, NAACP lawyers Charles Houston and Thurgood Marshall won a major legal battle to admit students to the University of Maryland.

During World War II, the NAACP led the effort that resulted in President Franklin Delano Roosevelt's ordering a

nondiscrimination policy in war-related industries and Federal employment.

And in 1948, the NAACP convinced President Harry Truman to sign an executive order banning discrimination by the Federal Government.

In 1954, under the leadership of Special Counsel Thurgood Marshall, the NAACP won one of its greatest legal victories in Brown v. Board of Education.

In 1960 in Greensboro, North Carolina, members of the NAACP Youth Council launched a series of nonviolent sit-ins at segregated lunch counters.

The history of America's modern struggle to live up to our constitutional principles was written in large part by the NAACP. And it continues to champion the cause of social justice today for all Americans.

The NAACP has served as the voice of those who were muzzled by fear. It served as the voice of those who were handcuffed and jailed under segregationist policies. And it carried the weight for those whose backs were nearly broken in brutal beatings fueled by racial hatred. It did so peacefully and with dignity. And as a result, America is a better place.

I am pleased to join my colleagues on this concurrent resolution honoring the historic contributions made by the NAACP to the cause of civil rights in this Nation. And I would like to conclude by acknowledging and recognizing and honoring the leadership of a gentleman in my district, Rev. Fred Shuttlesworth, who marched with Dr. Martin Luther King but who has been ill recently. He has been a leader in our community and really across the entire country in the civil rights movement, and we all keep him in our prayers and hope that he recovers quickly.

I reserve the balance of my time.

Mr. COHEN. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. I thank the gentleman for the time.

I would like to thank Chairman CONYERS for being there and making this resolution possible and bringing it to the floor. I also would like to remember Mr. SENSENBRENNER, who at the time we first introduced this piece of legislation was the chairperson of the Judiciary Committee. And I recall how he made a great effort to get this legislation to the floor and to get it passed. I am grateful to the Honorable STEVE COHEN who is our floor leader today, a lawyer par excellence who does an outstanding job on the Judiciary Committee. Thank you so much. I am grateful to Mr. STEVE CHABOT. Thank you for your very kind words. What you said about the NAACP is entirely correct, but it is also something that means a lot to a lot of people. And I think the people across the length and breadth of this country appreciate what you have said and how you have made it clear that the NAACP is important to us in the United States Congress.

I also want to thank the many persons, about 45 of whom signed on to this piece of legislation so that we could bring it to the floor this year. This is the 99th anniversary of the NAACP, having been founded February 12, 1909. The NAACP has always been an integrated organization. It has fought for integration. But it has from its genesis been an organization that has been integrated. And while we remember many of the names of the great NAACPers, James Weldon Johnson, of course, who was one of the great executive secretaries of the organization, we will remember always the name Roy Wilkins, who was a labor leader and executive secretary of the NAACP, W.E.B. DuBois, who was one of the great intellectuals of his time and of all time. We remember Julian Bond who today is the chairperson of the organization, and Dr. Benjamin Hooks who was an FCC board member but also a lawyer and executive director of the NAACP.

But some of the names we don't always remember are names of persons who are not African Americans who were there at the genesis of this organization. Mary White Ovington, this lady held one of the very first organizational meetings of the NAACP in her living room at a time when it was not popular to host a meeting for an organization like the NAACP. I also would remember, if we would, William English Walling and Oswald Garrison Villiard. These persons were not African Americans, but they literally put their lives on the line so that African Americans could have the types of rights and privileges that we enjoy today.

The NAACP, the Nation's oldest civil rights organization, has been there at times of need when it came to issues like the Civil Rights Acts of 1957, 1960 and 1964. It was there for us when we were lobbying for the Voting Rights Act of 1965. Brown v. Board of Education is always mentioned when we think of the NAACP, for it was Thurgood Marshall who took this case to the Supreme Court and won it, integrating the schools across this country.

But the NAACP was also there in the case of Shelley v. Kramer, and the case of Borrows v. Jackson. These cases outlawed restrictive covenants, racially restrictive covenants that barred African Americans from living in certain communities. The NAACP took these cases to the Supreme Court and won them as well.

If the truth be told, we live where we live, we sleep where we sleep and we eat where we eat because of the NAACP. It has made a difference in the lives of all Americans. And I am so grateful that this Congress has seen fit to honor it today for its 99 years of service.

As of late, the NAACP was a party to the legislation that we put before Congress to deal with noose intimidation. Noose intimidation, one of the latest means by which persons are having civil rights violated, and the NAACP was there to help us push this legislation through Congress, so as to make it very clear, transpicuously so, that this country will not tolerate noose intimidation. In fact, the President of the United States, as late as yesterday, made it clear that noose intimidation is unacceptable in this country.

The NAACP has been a part of the fiber and fabric of the human rights, civil rights movement in this country. If we did not have the NAACP, we would have to create the NAACP. It has been there for us. Today we are there for the NAACP.

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

Mr. COHEN. Mr. Speaker, I appreciate the words Mr. CHABOT expressed and Mr. GREEN. The NAACP is an outstanding organization, and I would submit that during my time here in Congress, I don't know of another group that has had a more effective lobbying force on issues concerning human rights and civil rights and rights of people who are underrepresented and need the help of government and need it in a fair and just way.

In my community of Memphis, the president of NAACP is Mrs. Johnnie Turner. We have had a great NAACP chapter. Ben Hooks, who is a former head of the agency, is a resident of my community, an outstanding individual who recently was honored by President Bush with a Medal of Freedom. And Maxine Vasco Smith and Jesse Turner who have been national officers of the NAACP are residents of my community as well.

The NAACP has been very important to Memphis but very important to this country. I thank Mr. GREEN for bringing the resolution to the floor, and I appreciate the remarks made here on the floor. I urge final passage.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor the National Association for the Advancement of Colored People on its 99th Anniversary.

In 1909 the founders of the NAACP came together with the purpose of promoting the rights guaranteed under the 13th, 14th, and 15th Amendments to the Constitution.

Today, the NAACP works to ensure that all individuals have equal rights and to end racial hatred and discrimination.

The NAACP has influenced some of the greatest civil rights victories of the last century, including: the integration of our nation's schools and the Brown v. Board decision; the Voting Rights Act; striking down segregation; and the Equal Employment Opportunity Act.

Despite the advancements of the past 99 years under the leadership of the NAACP, there is still much work to be done.

The NAACP continues to promote new ideas and leadership in the fields of: educational and employment opportunities, ending health care disparities, and economic empowerment.

The NAACP instilled in America a sense of consciousness, and it continues to do so today.

I commend the NAACP on this anniversary and the thousands of individuals who continue to fight for equality and justice.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to honor and pay tribute to one of the oldest and greatest civil rights organizations in our country's history. The NAACP has served for nearly a century to provide help for those who cannot help themselves, to provide justice for the wronged, and to give a voice to the disenfranchised. Though the group formed to fight for equality for minorities and the disadvantaged, the NAACP has vigilantly stood guard for all Americans so that the basic rights of none are infringed upon.

In 1909, six great Americans, Ida Wells-Barnett, W.E.B. DuBois, Henry Moscowitz, Mary White Ovington, Oswald Garrison Villiard, and William English Walling, banded together to produce the "Call to National Action." This founding document of the NAACP laid out the organization's goals—to protect the rights guaranteed by the 13th, 14th, and 15th Amendments to the Constitution. From their ever-present task to preserve these rights to the fight to put an end to lynching, the great victory over segregation won in 1954's Brown v. Board of Education, and their continuing crusade to protect civil rights, the NAACP has been an inimitable champion of the cause of equality and social justice in our Nation. Today, under the leadership of Chairman Julian Bond, the organization has grown to over 2,200 branches with over 500,000 members nationwide.

Connecticut is very grateful for the work that the NAACP has done in the State. Headquartered in Hartford, Connecticut and led by chapter president Scot X. Esdaile, the Connecticut NAACP has been a great advocate for civil rights in the State.

The Connecticut NAACP has been a valuable partner in local efforts to ensure civil rights. Our chapter has worked to ensure that minorities are represented in all levels of government as important legislative decisions are being made. The group worked with other local organizations to develop a talent bank of highly qualified minority candidates to fill senior-level positions in the State and combat any discrimination that might exist. The local NAACP has also worked tirelessly with the seven members of the Connecticut Congressional delegation to ensure that our Federal Government secures the blessings of liberty for all. I am proud to have a 95 percent rating from the NAACP. It remains a prevalent voice in the State and a standard-bearer of the principles of equality and justice.

Mr. Speaker, I believe we can honor the work of the NAACP best by continuing to work for the noble cause for which the organization exists: to protect the rights of all persons and eliminate hatred and racial discrimination. I extend to the NAACP my best wishes for a happy 99th anniversary and I commend and thank them for a century of service.

Mr. SCOTT of Virginia. Mr. Speaker, I am honored to rise today to congratulate the NAACP on its 99th Anniversary. As the Nation's oldest civil rights organization, the NAACP has for 99 years fought to ensure the educational, social, economic and political equality of all persons, so that all may participate and share in this country's great Democracy.

The NAACP was founded by a multi-racial group of activists who answered "The Call" to engage in a national conference to discuss the civil rights of African Americans in the summer of 1908. That year, the NAACP embarked on its mission to ensure equal rights for all citizens and to eliminate racial prejudice in the United States.

Since then, the NAACP has worked tirelessly to accomplish its mission by continually looking for ways to improve the democratic process and by seeking the enactment and enforcement of Federal, State, and local laws that secure civil rights. The NAACP furthers its mission by making the public aware of the adverse effects of racial discrimination and by seeking its elimination. The NAACP also seeks to educate the public about their constitutional rights and goes to court to enforce those rights when necessary.

Shortly after its founding in the early 1900s, the NAACP undertook an anti-lynching campaign and launched a public protest when segregation was introduced into the Federal Government. The NAACP was influential in President Harry Truman's decision to issue an Executive Order in 1948 ending discrimination by the Federal Government. In 1954, the NAACP helped bring an end to segregation in public schools in the case of Brown v. Board of Education. In 1964, it worked to raise support for the passage of the Civil Rights Act. In 1979, it helped expand voter participation through voter registration in high schools. And the list goes on.

Today, the NAACP continues to eliminate racial prejudice when it rears its ugly head, and informs the public of its intolerable presence when it does. It continues to act as a watchdog to protect the constitutional and civil rights of all people. And it educates the public about civil rights so that future generations will know tolerance and equality as the norm, rather than the exception.

I am proud to be a Diamond Life Member of the NAACP and to have once served as President of the Newport News, Virginia branch.

Mr. Speaker, I congratulate the NAACP on 99 years of service to our great country and its people, and I wish them another highly successful 99 years.

Mr. COHEN. I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 289.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1715

AMERICAN BRAILLE FLAG MEMORIAL ACT

Mr. RODRIGUEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4169) to authorize the placement in Arlington National Cemetery of an American Braille tactile flag in Arlington National Cemetery honoring blind members of the Armed Forces, veterans, and other Americans.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4169

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 "American Braille Flag Memorial Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) There are more than 175,000 blind veterans.

(2) The Department of Defense estimates that 16 percent of the members of the Armed Forces who have been injured in Operation Iraqi Freedom and Operation Enduring Freedom have severe vision loss as a result of their injuries.

(3) The American Braille tactile flag was created by the Kansas Braille Transcription Institute in Wichita, Kansas, to allow blind Americans and blind veterans to experience the American flag.

(4) Arlington National Cemetery, visited by approximately 4,000,0000 people annually, is a national place of remembrance and honor for the Nation's veterans.

SEC. 3. AUTHORIZATION OF PLACEMENT OF AN AMERICAN BRAILLE TACTILE FLAG IN ARLINGTON NATIONAL CEMETERY HONORING BLIND MEMBERS OF THE ARMED FORCES, VETERANS, AND OTHER AMERICANS.

(a) IN GENERAL.—The Secretary of the Army is authorized to place in Arlington National Cemetery an American Braille tactile flag in Arlington National Cemetery honoring blind members of the Armed Forces, veterans, and other Americans.

(b) APPROVAL OF DESIGN AND SITE.—The Secretary of the Army shall have exclusive authority to approve an appropriate design and site within Arlington National Cemetery for the memorial authorized under subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. RODRIGUEZ) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. RODRIGUEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4169.

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

There was no objection.

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

Mr. Speaker, today I rise in strong support of the American Braille Flag Memorial Act, H.R. 4169. I would like to thank my colleague, Mr. TIAHRT, for drafting this important piece of legislation and for his leadership in this area.

Today, there are nearly 1.3 million blinded and visually impaired Americans, and approximately 187,000 of those are veterans. It is estimated that 16 percent of these veterans have sustained injuries in Operation Iraqi Freedom and Operation Enduring Freedom,

leaving them with some form of severe visual loss and impairment. These veterans, due to their disability, are often not afforded the opportunity to cherish and witness the American flag as those without visual impairment are. That is why passing the American Braille Flag Memorial Act is so important. It would authorize the Secretary of the Army to place an American Braille tactile flag on the grounds of the Arlington National Cemetery to honor the sacrifice of our Nation's blind veterans and members of the Armed Forces.

This legislation would also allow the Secretary of the Army to approve the appropriate design of the flag, as well as the site in the Arlington National Cemetery that would be most appropriate for the memorial, which I understand is likely to be at the visitors center. The bronze Braille American flag, generously donated by the Kansas Braille Transcription Institute, would include the Pledge of Allegiance, and allow the blind and visually impaired to feel the Stars and Stripes and colors of the American flag placed near Arlington National Cemetery Visitors Center.

I am pleased that the Blind Veterans Association, the American Council and American Foundation of the Blind wholeheartedly support this piece of legislation. Our efforts today will show the over 4 million visitors who come to the Arlington National Cemetery each year that we remember and honor the blind veterans who died in service to our Nation, as well as all veterans and servicemembers who live today with blindness and vision loss.

Mr. Speaker, this legislation provides a way to include all Americans in this wonderful patriotic experience when visiting Arlington National Cemetery and seeing the American flag where heroes are laid to rest. I am told that when feeling miniature mock-up versions of the Braille flag, blinded veterans and servicemembers often break down and cry.

It would only be appropriate to allow our blind and visually impaired veterans and servicemembers to share this experience by paying tribute and honoring them with the recognition they deserve at the hallmark of American memorials, the Arlington National Cemetery.

I urge my colleagues to support the passage of H.R. 4169 without delay.

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

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

I rise also in strong support for H.R. 4169, which would authorize the placement in Arlington National Cemetery of an American Braille tactile flag honoring blind members of the Armed Forces, veterans and other Americans.

My colleagues, our Nation's veterans have fought for our freedom, many at the expense of their health and well-being. Some of our veterans have not just lost use of an arm or a leg as a consequence of service, but now live in darkness from the loss of their sight.

In order to serve the needs of blind Americans, the Kansas Braille Transcription Institute created and designed a tactile American flag in Braille which would enable these blind veterans and other blind Americans the simple ability to see through the use of their hands the beauty of our American flag.

The flag has been specifically designed in a way that informs the blind of the full color of the American flag, 13 stripes and 50 stars on the blue field. Additionally, the tactile flag bears the Pledge of Allegiance in both raised print and grade one Braille. It is a plaque. It is not a traditional flag.

Mr. Speaker, I offer my full support of this great bill, the American Braille Flag Memorial Act. By placing the Braille American flag at Arlington National Cemetery, we do indeed bring honor to our Nation's blind veterans community and allow our blind veterans to see the American flag.

Mr. RODRIGUEZ. I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Kansas (Mr. TIAHRT), the author of the bill.

Mr. TIAHRT. I thank the gentleman from Florida and the gentleman from Texas for their assistance in helping me with this very fine piece of legislation.

Mr. Speaker, last summer, one of my constituents, Randy Cabral, president of the Kansas Braille Transcript Institute, e-mailed me with an idea, to place an American Braille flag at Arlington National Cemetery. Today, we see the fruition of one man's idea.

Prior to the creation of the American Braille flag, the American flag was not accessible to the blind. This flag was created by the Kansas Braille Transcript Institute in Wichita, Kansas.

As you can see on this poster to my left, the flag has been specially designed in a way that informs the blind of the full color of the American flag, the 13 stripes and the 50 stars on a blue field. Additionally, this tactile flag bears the Pledge of Allegiance, both in raised print and in grade one Braille.

Few know that our Nation has more than 1 million blind and low-vision veterans, and those numbers continue to rise. The Department of Defense estimates that 16 percent of those injured in Operation Iraqi Freedom and Operation Enduring Freedom suffer from severe vision loss. An additional 10 to 12 million Americans are blind or of low vision.

The American Braille Flag Memorial Act authorizes the placement of an American Braille flag at Arlington National Cemetery, a national place of remembrance and honor for our Nation's veterans. The cemetery is visited by an estimated 4 million people annually. The American Braille Flag Memorial will bring honor to our Nation's blind community and allow our blind veterans to see the American flag again.

In order to ensure that this effort will enhance and not detract from the cemetery, I have worked with the superintendent of the Arlington National Cemetery, John Metzler. Mr. Metzler believes that a 15-inch by 17-inch bronze replica of the American Braille flag would be a wonderful addition to the visitors center at the cemetery.

This is a unique bronze replica, and, as such, this new drawing and special casting had to be commissioned. The drawings for the bronze replica were completed by Kevin West, a student at Wichita Area Technical College. Kevin is a specialist in the Kansas Army National Guard. He is also a veteran of Operation Iraqi Freedom and Operation Enduring Freedom. He served in the 778th Combat Heavy Equipment Transport Group, or HET, out of Kansas City, Kansas, as both a convoy security and a HET operator. Let me take this moment to thank Kevin for his service to the Nation.

The actual bronze flag memorial will be cast free of charge by the Truxes Company of Oswego, Illinois. The Truxes Company was founded by another American hero, Mr. Bill Truxes. Mr. Truxes joined the Army Air Corps during World War II and served as a B–24 pilot. While serving in World War II, he was shot down during the Battle of the Bulge and became a POW in Germany in 1944. He was liberated at the end of the war. I greatly appreciate Mr. Truxes' patriotism and generosity in agreeing to donate the bronze casting, and I also want to thank him for his service.

With Mr. West and Mr. Truxes both donating their service, and the Kansas Braille Transcription Institute donating the transportation, this entire project will be provided to the government free of charge.

Mr. Speaker, I want to thank my 16 cosponsors and the Blind Veterans of America for their endorsement and support of this effort. But more importantly, I want to thank those who served this Nation. We owe a huge debt of gratitude to our veterans, and this simple action will mean much more to our patriotic blind veterans.

I encourage my colleagues to join with me in supporting this effort and placing the Braille flag at Arlington National Cemetery.

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

Mr. Speaker, I want to again congratulate my colleague from Kansas for introducing this bill. It clearly shows a special sense of sensitivity to the needs of disabled veterans. I commend my distinguished colleague for doing this and for the support of the institute for their offering this to the government at the Arlington National Cemetery.

Again, it is a lot of hard work by Mr. TIAHRT, and I commend him. I urge my colleagues to support and pass this bill, H.R. 4169.

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

Mr. RODRIGUEZ. Mr. Speaker, I want to take this opportunity also to

thank both the gentleman from Florida as well as the author, Todd Tiahrt, on their efforts in this area.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. RODRIGUEZ) that the House suspend the rules and pass the bill, H.R. 4169.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1730

COMMENDING THE PEOPLE OF WASHINGTON FOR SHOWING THEIR SUPPORT FOR VETERANS

Mr. RODRIGUEZ. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 790) commending the people of the State of Washington for showing their support for the needs of the State of Washington's veterans and encouraging residents of other States to pursue creative ways to show their own support for veterans.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 790

Whereas every day, American men and women risk their lives serving the country in the Armed Forces;

Whereas it is important to many Americans to be able to donate money directly to causes about which they care;

Whereas it is important for residents to have a tangible way to demonstrate their support for veterans;

Whereas despite Government funding for the Nation's veterans, many important needs of veterans remain unmet;

Whereas citizens in the State of Washington have banded together in a grassroots effort to create a Veterans Family Fund Certificate of Deposit;

Whereas any financial institution in the State of Washington can choose to offer a Veterans Family Fund Certificate of Deposit;

Whereas the Bank of Clark County has become the first institution to offer these Certificates of Deposit;

Whereas the Governor of the State of Washington and the Washington State Veterans Affairs Department have expressed the State's support for this program;

Whereas when a person buys a Veterans Family Fund Certificate of Deposit from a participating financial institution, half of the interest is automatically donated to the State of Washington's Veterans Innovation Program to address the unmet needs of the State of Washington's veterans and their families;

Whereas the Veterans Innovation Program provides emergency assistance to help current or former Washington National Guard or Reserve service members cope with financial hardships, unemployment, educational needs, and many basic family necessities; and

Whereas the Veterans Family Fund Certificate of Deposit will be officially launched on November 8, 2007: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the people of the State of Washington for showing their support for the needs of the State of Washington's veterans; and

(2) encourages residents of other States to pursue creative ways to show their own support for veterans.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. RODRIGUEZ) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

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

Mr. Speaker, I would like to thank my distinguished colleague, Congressman BRIAN BAIRD of Washington, for drafting this resolution which calls on the States to create innovative ways to supplement State and Federal programs created to assist our Nation's veterans. I would also like to commend the Washington delegation for the strong bipartisan support they demonstrated in introducing this resolution.

This resolution establishes a certificate of deposit in participating financial institutions that would automatically donate 50 percent of the accrued interest to the State of Washington's Veterans Innovation Program. Providing this avenue to invest in our veterans will help ensure that the needs of our Nation's heroes are available when they need them.

I strongly support the resolution and encourage all States to follow the enthusiasm and support for our veterans. Mr. Speaker, I urge my colleagues to join me in support of House Resolution 790.

I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I rise in support of H. Res. 790, a bill commemorating the people of the State of Washington for showing their support for the needs of the State of Washington's veterans and encouraging residents of other States to pursue creative ways to show their own support for veterans. This resolution was introduced by my distinguished colleague from Washington (Mr. BAIRD).

It was particularly inspired by the Veterans Family Fund Certificate of Deposit, an insured account created through the grassroots efforts of citizens in Washington State to benefit military veterans and their families. The Veterans Family Fund Certificate of Deposit was officially launched on November 8, 2007.

When an individual purchases a Veterans Family Fund Certificate of Deposit from a participating financial institution, half of the interest is automatically donated to the State of Washington's Veterans Innovation Program. The Veterans Innovation Program was created to provide emergency assistance to help current or former Washington National Guard or Reserve servicemembers simply cope with financial hardships, unemployment, educational needs, and many other basic family necessities.

The initiative of the citizens of the State of Washington in creating this program is to be commended. Throughout the years, young men and women across this great Nation have answered the call to duty and taken up arms in defense of our freedom and that of others in this world. We should recognize the service of these veterans and encourage others to honor them by simply passing this bill today.

I would like to thank Chairman FILNER and Ranking Member BUYER for bringing this resolution so quickly to the floor for consideration today.

I reserve the balance of my time.

Mr. RODRIGUEZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington, BRIAN BAIRD.

Mr. BAIRD. I thank my friend and colleague from Texas and the gentleman from Florida as well. I want to commend Chairman FILNER for his support as well.

I am very, very pleased today to recognize the efforts of my constituents, who joined together with many others from across Washington State to unite in a common endeavor, to help our veterans and their families. The desire of Washington residents to help our veterans has led to the creation of the Veterans Family Fund Certificate of Deposit in November of last year.

As my friends have described earlier, anyone wishing to show their personal support for our veterans can do so in a simple way: They can simply invest in a 6-month Veterans Family Fund Certificate of Deposit. After the 6 months, as mentioned earlier, half of the interest earned on the certificate goes back to the individual who invested, but the other half of the interest is donated as a charitable contribution to the Washington State Department of Veterans Affairs' Veterans Innovation Program.

The Department of Veterans Affairs will use the new funding to provide assistance to veterans and their families in areas where none is otherwise available through the State or Federal Government. This will include direct grants for emergency financial assistance and efforts to promote the long-term financial stability of Washington State's veterans. Speaking personally, as someone who worked in the VA system as a clinical psychologist, I can tell you how valuable this sort of flexible individualized assistance can be to helping our veterans and families.

Last year, Congress stepped up to the plate and provided significant increases in funding for our Nation's veterans, but this is a creative way for the average citizen to show his or her support for the brave men and women who

have served in the Armed Forces. This program was entirely citizen-driven, and it demonstrates the power of interested individuals who come together to make a difference.

I would like to particularly acknowledge Jane Jacobsen, who was the first to come up with the idea for the program, and Mike Worthy of the Bank of Clark County who made his institution the first to participate in the program and has already sold more than $300,000 in CDs, including one which I was happy to invest in myself. I also want to acknowledge John Lee, the director of the Washington State Department of Veterans Affairs, who has supported the project from the very start. And, in particular, I want to give special recognition to the outstanding Governor of the State of Washington, Governor Christine Gregoire, who has been a key supporter and advocate for this program from its infancy.

I am joined in this effort by the entire Washington delegation on this resolution to commend the people of our State for showing their support for the needs of our veterans, and we encourage residents of other States to pursue similar creative ways to show their support for veterans. Again, I thank the Chair, I thank the gentleman from Texas and the gentleman from Florida for their time, and urge passage of this resolution.

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

Mr. RODRIGUEZ. Mr. Speaker, let me take this opportunity to recognize the Congressman from Rhode Island, Mr. PATRICK KENNEDY, for such time as he may consume.

Mr. KENNEDY. I too want to join in support of this resolution and commend my colleagues from Washington State, particularly my colleague BRIAN BAIRD.

I have always thought, and I have talked to the Bank of America about this and have an appointment with former Treasury Secretary Bob Rubin to discuss a Veterans Visa. We all have credit cards and we all have the affinity cards. They sell us cards where they have the affinity, where you get your bonus miles with American Airlines, you get your bonus miles if you use your card with a particular institution and so forth.

I figure Americans, when they use their credit card, could send their bonus miles or the equivalent of those to veterans, and they would be happy to lay down their credit cards, whether it be American Express or Visa or whatever, with a big red, white and blue credit card. And someone say, what kind of credit card is that, that it's that color? And they say, That's the Veterans Visa. That means all those bonus miles that would have gone to me being able to get a little extra bonus vacation or whatever is going to go to help our Nation's veterans. And I will tell you, I think there would be a lot of Americans out there who would be more than happy to be able to show their patriotic sense of duty when they are going around, especially those who are very comfortable and sitting in the business board rooms of this country doing business transactions all across this country and are sitting comfortably home while our young men and women are overseas fighting for this country, to be able to lay down that Veterans Visa card and have those affinity dollars go to those veterans groups. I think we could send that directly to the very great organization in New York, the Fisher Foundation which has a grade A transparent ruling for all the dollars that it sends to the Intrepid Organization and to the poly-trauma centers and all the vet centers across the country.

I think this is a terrific notion of the certificate of deposits, having a percentage of those interest payments going to veterans, and I think this is one that I am hoping to get started as well. And it follows on the same concept that you are working on here in Washington State. I hope to take your concept that you are doing in Washington State and bring it to my State of Rhode Island. I commend you on it, and I just want to salute you for the work that you are doing out in Washington State.

Mr. BAIRD. Mr. Speaker, will the gentleman yield?

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

Mr. BAIRD. I would just like to thank you for supporting this initiative and would in turn support your proposal.

What this comes out of is citizens saying, Look, we've got young men and women, and as many people know in this conflict, it's not just young men and women, it's people of all ages overseas in Iraq and Afghanistan and throughout the country. And when they come back home, we want to show them our support. It's a fine thing and a proper thing that we would wave a flag and say thank you for your service. But sometimes people need more than just a thanks. Sometimes they need the ability to visit a loved one; sometimes they need a home repaired; sometimes they need a little bit of help financially to go to school. And the kind of program that we are putting forward today allows over and above what we are already providing through our VA services to average citizens to provide support for doing just that. It sounds like that is what you are seeking to do, Mr. KENNEDY. I commend you for your efforts and look forward to working with you.

Mr. KENNEDY: I likewise thank the gentleman.

Mr. RODRIGUEZ. Mr. Speaker, let me also take this opportunity to congratulate the author, Mr. BRIAN BAIRD of Washington.

GENERAL LEAVE

Mr. RODRIGUEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on House Resolution 790.

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

There was no objection.

Mr. SMITH of Washington. Mr. Speaker, I rise today in support of H. Res. 790 and to acknowledge the dedication and support provided to Washington State veterans by the Veterans Family Fund and the Washington State Department of Veterans Affairs.

As someone who is privileged to represent thousands of veterans and their families, I believe that we owe the men and women who have served our country an enormous amount of gratitude and respect.

People who have never served in uniform frequently ask me how they as individuals can support veterans beyond simply displaying a flag on Veterans' Day. Today, I am proud to say that the Veterans Family Fund, in coordination with the Washington State Department of Veterans Affairs, has provided a way for all citizens to directly show their support for our veterans year-round, and provide financial assistance to those veterans and their families who need a bit of extra support.

The program is simple, and requires only a modest financial commitment. When taking out a "Veterans Family Fund" Certificate of Deposit for at least 6 months, individuals pledge that half of the interest earned by the certificate will be donated to benefit veterans and their families, while the investor receives the other half of the interest, and a tax deduction for their contribution. The contributions are managed and disbursed to veterans and their families who are in need by the Veterans Innovations Program, operated by the Washington State Department of Veterans Affairs.

The Veterans Family Fund is an independent organization founded by local citizens to help all Washington State veterans. I would like to take a moment to specifically acknowledge the members of the Veterans Family Fund Steering Committee, who made this program possible: Jane Jacobsen, Executive Director, Confluence Project; Michael C. Worthy, CEO, Bank of Clark County; Robert Friedenwald, Colonel (retired), U.S. Army; Betsy Henning, Principal, Alling Henning Associates; and John Lee, Director, Washington State Department of Veterans Affairs.

I encourage other States to look at the Washington State Department of Veterans Affairs, and the Veterans Family Fund, as a model of creativity and innovation in providing support for our veterans at the local level. I commend their work and ask my colleagues to support the resolution.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. RODRIGUEZ) that the House suspend the rules and agree to the resolution, H. Res. 790.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL SALUTE TO HOSPITALIZED VETERANS WEEK

Mr. RODRIGUEZ. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 963) supporting the goals and ideals of National Salute to Hospitalized Veterans Week, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 963

Whereas February 11–15, 2008, has been designated by the President as National Salute to Hospitalized Veterans Week;

Whereas the National Salute to Hospitalized Veterans week each year is an opportunity to thank a special group of men and women, the more than 98,000 veterans of the United States Armed Forces, who are cared for every day in Department of Veterans Affairs (VA) medical centers, outpatient clinics, domicilaries, and nursing homes;

Whereas at the 155 VA hospitals across the Nation, there are veterans who face the physical and mental wounds of combat every day, long after their military service has been completed;

Whereas we can never fully repay our debt of gratitude to the veterans, but will thank and support them with our words and deeds;

Whereas Mike Vogel, motion picture actor and star of the newly-released ''Cloverfield'', will lead the VA's annual patient recognition program as the national spokesperson, inviting the public to visit and honor hospitalized veterans during National Salute to Hospitalized Veterans Week; and

Whereas Mike Vogel will be the youngest celebrity to lead the National Salute, bringing youthful energy to the program at a time when the number of young combat veterans under the care of the VA is growing, and as the VA is looking to younger generations of Americans to replenish an aging volunteer force: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the National Salute to Hospitalized Veterans Program and its efforts to pay tribute to and express appreciation for hospitalized veterans, to increase community awareness of the role of VA medical centers, and to encourage citizens to visit hospitalized veterans and become involved as volunteers;

(2) encourages citizens who live near a VA hospital or clinic to take time this week to visit and thank our veterans; and

(3) will continue to work with veterans service organizations to support our veterans with words, actions, and financial assistance.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. RODRIGUEZ) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

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

Mr. Speaker, throughout the Nation's history, we have relied on the patriotism, valor, courage and unselfishness of those who wear the uniform of the Armed Forces. With this service comes the real possibility of receiving an injury in answering the call to duty. The global war on terrorism is no exception. To date, over 31,000 servicemen and -women have been wounded in action and nearly 4,000 killed.

For 30 years, the Department of Veterans Affairs has designated the week of February 14 as the National Salute to Hospitalized Veterans Week. The goals of the program are to pay tribute and express appreciation to hospitalized veterans, to increase community awareness, and to encourage individuals to become involved at their local VA as volunteers.

The VA's Voluntary Service is the largest volunteer program in the Federal Government. Over the past 60 years, VA volunteers have donated more than 689 million hours of service worth an estimated $12.9 billion. In fiscal year 2007, 85,428 active volunteers contributed a total of more than 11.6 million hours of service, equal to 5,574 full-time employees, worth $218 million.

Let's not forget those who have fought for this country in their time of greatest need. Join me in recognizing and paying tribute to the hospitalized veterans. I challenge each and every person to go visit their local VA medical center and brighten the smile on a veteran's face.

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

Mr. STEARNS. Mr. Speaker, I yield myself such time as I might consume.

I also rise today in support of H. Res. 963, supporting the goals and ideals of National Salute to Hospitalized Veterans Week, and for other purposes. I would like to thank my colleagues Mr. RODRIGUEZ and Mr. MILLER of Florida for sponsoring this timely piece of legislation.

The President has designated this week, February 11 through 15, as National Salute to Hospitalized Veterans Week. This week provides the American people the opportunity to thank a special group of men and women, the more than 98,000 veterans of the United States Armed Forces, who are cared for every day by the Department of Veterans Affairs medical centers, outpatient clinics, domicilaries, and nursing homes across this Nation.

Mr. Speaker, this resolution specifically shows the support of the United States House of Representatives for the National Salute to Hospitalized Veterans Program and its efforts to pay tribute to and express appreciation for these hospitalized veterans. The resolution also seeks to increase community awareness of the role of VA medical centers, and to encourage citizens to visit hospitalized veterans and become involved as volunteers. The resolution also encourages citizens who live near a VA hospital or clinic to just take time to visit and thank our veterans personally.

During my visits with veterans at the Gainesville, Florida VA Medical Center and my trip this past year to Ramstein to visit the troops at the hospital, I have also been inspired by the courage and honor that is displayed by these heroes. You will walk away feeling a whole lot better than when you came in, because you're so proud of what they've done.

Finally, Mr. Speaker, this resolution assures our Nation's veterans that we in Congress will continue to work with veterans service organizations to support our veterans with words, actions, and financial assistance.

Again, Mr. Speaker, I rise in strong support of House Resolution 963.

I reserve the balance of my time.

□ 1745

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

Mr. STEARNS. Mr. Speaker, let me conclude and extend my thanks to Chairman FILNER and Ranking Member BUYER for not just bringing this resolution to the House floor but also the two previous bills. These reinforce Congress' commitment to serving America's veterans.

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

GENERAL LEAVE

Mr. RODRIGUEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 963.

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

There was no objection.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to speak in support of the National Salute to Hospitalized Veterans Week.

The Department of Veterans Affairs facilities care for over 98,000 veterans every day.

The veteran organizations in my district are extremely active in visiting and volunteering to help hospitalized veterans being treated in the surrounding medical facilities.

I would like to recognize the contributions of our local Veterans of Foreign Wars, American Legion, and Disabled American Veterans posts, as well as the Korean War Veterans, Vietnam War Veterans, the Polish Legion of American Veterans and the Brooksville Elks Lodge. The efforts of these groups pay tribute and express the appreciation of a grateful nation, not only to hospitalized veterans but to every man and woman that has ever worn the uniform.

The contributions of volunteers go a long way, but we in Congress need to reaffirm our commitment to providing veterans with the facilities they need to get the care they deserve.

I am pleased to see that in this year's budget the President included $120 million for the new VA Medical Facility in Orlando, FL, on the Lake Nona site. This new facility will provide acute care, complex specialty care and advanced diagnostic services through a hospital, an outpatient clinic, a 118-bed nursing home, and a 60-bed domiciliary.

I was also pleased that the President's budget included funding for the expansion of the Tampa Polytrauma Rehabilitation Center.

This funding will help to improve the facilities and the scope of services available to our severely wounded veterans at the Tampa Polytrauma Rehabilitation Center.

I hope my colleagues will join me in voicing their commitment for the future funding needs of these important projects.

Mr. BACA. Mr. Speaker, I rise today in support of H. Res. 963, supporting the goals and ideals of National Salute to Hospitalized Veterans Week.

February 11–15, 2008, has been designated by the President as National Salute to Hospitalized Veterans Week. In over 155 VA hospitals across the Nation, we have suffering veterans who face the physical and mental wounds of combat every day. As a veteran myself, I understand the real-life sacrifices an individual does through while on duty. Living far away from family and loved ones is a sacrifice that hospitalized veterans continue to face every day.

As President's Day approaches, let us not forget those veterans that are the real-life examples of the courage and service our Nation was founded on. These veterans are our heroes—and now they need a hero of their own to thank them for their service and sacrifice.

I urge my colleagues to vote in favor of this most dignified and deserving honor for our hospitalized veterans.

Mr. MILLER of Florida. Mr. Speaker, I rise today in strong support of H. Res. 963, supporting the goals and ideals of National Salute to Hospitalized Veterans Week.

National Salute to Hospitalized Veterans Week this year is February 11th to 15th, and so it is appropriate that we are here today to pay tribute to those who have put their lives on the line for our Nation's freedom.

H. Res. 963 supports the National Salute to Hospitalized Veterans Program and the program's efforts to express appreciation to hospitalized veterans for their efforts and increase awareness of the importance of Veterans' Affairs medical centers throughout the country. The resolution also supports the program's work to encourage citizens to visit hospitalized veterans and volunteer their services.

Mr. Speaker, for centuries our brave service men and women have given their utmost to ensure our liberty here at home. We owe our soldiers an eternal debt of gratitude, and giving our support to hospitalized veterans and recognizing their service as we are doing today is one important step toward paying that debt.

Mr. RODRIGUEZ. Mr. Speaker, I ask my colleagues to unanimously support H. Res. 963, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. RODRIGUEZ) that the House suspend the rules and agree to the resolution, H. Res. 963.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING THE GOALS AND IDEALS OF AMERICAN HEART MONTH AND NATIONAL WEAR RED DAY

Mrs. CAPPS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 972) supporting the goals and ideals of American Heart Month and National Wear Red Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 972

Whereas diseases of the heart are the Nation's leading cause of death and stroke is the third leading cause of death in both men and women;

Whereas nearly 2,400 American men, women, and children die of cardiovascular disease each day, an average of one death every 37 seconds;

Whereas many people do not recognize that heart disease, stroke, and other cardiovascular diseases are the number 1 killer of American women, claiming the lives of almost 460,000 American women each year or about one per minute;

Whereas we as a Nation have made great progress in reducing the death rates for coronary heart disease, but this progress has been much more modest in women and minorities, resulting in cardiovascular disease disparities;

Whereas many minority women, including African-American, Hispanic, Native-American and some subgroups of Asian-American women, have a greater prevalence of risk factors or are at a higher risk of death from heart disease, stroke, and other cardiovascular diseases, but they are less likely to know of this risk;

Whereas cardiovascular diseases cost the Nation more than any other cause of death, with direct and indirect costs estimated to reach $448.5 billion in the United States in 2008;

Whereas the research is clear that there are tools available to prevent heart disease, stroke, and other cardiovascular diseases and to improve survival rates from cardiovascular disease;

Whereas Congress, by Joint Resolution approved on December 30, 1963, requested that the President issue an annual proclamation designating February as ''American Heart Month'';

Whereas the National Heart, Lung, and Blood Institute of the National Institutes of Health, the American Heart Association, and many other organizations celebrate ''National Wear Red Day'' during February by ''going red'' to increase awareness about heart disease as the leading killer of women; and

Whereas every year since 1964 the President has issued a proclamation designating the month of February as ''American Heart Month'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of ''American Heart Month'' and ''National Wear Red Day'';

(2) commends the efforts of States, territories and possessions of the United States, localities, nonprofit organizations, businesses, and other entities, and the people of the United States who support ''American Heart Month'' and ''National Wear Red Day'';

(3) recognizes and reaffirms our commitment to fighting heart disease and stroke by promoting awareness about its causes, risks, and prevention, supporting research, and expanding access to medical treatment; and

(4) encourages each and every American to learn about their own personal risk for heart disease.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. CAPPS) and the gentlewoman from North Carolina (Mrs. MYRICK) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. CAPPS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution.

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

There was no objection.

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

Mr. Speaker, I am pleased to rise in support of H. Res. 972 which I am proud to have introduced with Congresswomen FALLIN, SCHAKOWSKY, MCMORRIS RODGERS, CHRISTENSEN, and CUBIN. This diverse group of lead sponsors is testament to the importance of raising greater awareness about heart disease, and especially heart disease in women.

The resolution recognizes both Heart Month and National Wear Red Day, both of which occur in February. Heart Month was first designated 45 years ago and has served as a launching pad to spur advocates into action around the country.

In my hometown of Santa Barbara, there will be a Go Red for Women luncheon in the coming weeks. This event provides opportunities for women to learn more about heart health for themselves and also for the role they often play as the health decisionmaker in their families.

The importance of community events like Go Red for Women lunches cannot be overstated. Heart disease is the number one killer of both women and men. But now, in fact, more women than men die of heart disease each year. Unfortunately, there is still an existing knowledge gap both in terms of public awareness and professional awareness.

Despite the fact that almost 460,000 American women die of heart disease every year, women are still grossly underrepresented in clinical trials, as one example. The numbers are even worse for minority women who are at an even greater risk for developing heart disease and who have many more barriers to accessing care.

So today, as we pass this resolution to recognize the importance of Heart Month and Wear Red Day, let us use this opportunity to discuss the real changes we can make to improve women's heart health.

My colleague, BARBARA CUBIN, and I have introduced H.R. 1014 the HEART for Women Act. This act takes crucial steps to address women's heart health. It ensures that research is stratified by gender. In other words, that we recognize that women need to have research

that will take their needs into consideration, provides for an educational campaign for health professionals, and expands the very successful WISEWOMAN program that conducts cardiovascular screening for low-income women that has been, in the pilot phase, proven very successful in various parts of the country.

We had a successful hearing in the Health Subcommittee, and I would like to thank the Energy and Commerce Committee for working hard to move this legislation along in, I hope, the very near future.

Finally, I would like to thank the Speaker for suggesting that we encourage everyone to wear red tomorrow in order that we be even more visible to all of our colleagues and others on the Hill to continue this very important dialogue.

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

Mrs. MYRICK. Mr. Speaker, I thank the gentlelady, my friend from California, for all of the hard work she has put into this issue for the last several years, not just this year. It has been a real passion with her for a long time, and I thank her for that.

I rise in support of this important resolution because it does raise awareness about heart disease and the effect on women, which doesn't get talked about as much as heart disease in men.

As a breast cancer survivor, I spend a lot of time raising awareness about breast cancer and the importance of preventive screening and effective treatments. Those are vital battles, and as a country we have made great strides towards earlier detection of cancer and less invasive treatments.

But when we are reminded that heart disease is the leading cause of death for American women, it is a sobering thought. I remember being surprised to learn that the physical symptoms of heart attacks in women are often different than they are in men. Women are less likely to feel typical chest pains during the attacks. Women's symptoms are often characterized by back pain, nausea, indigestion, dizziness, and fatigue. While typical symptoms are hard to recognize, it is important to be vigilant about heart health.

Many lifesaving treatments like anticlotting drugs and angioplasty work best if given within the first hour of a heart attack, so it is important that we know what is going on with us as women. But before you get to that point, you want to prevent life-threatening heart attacks the easy way, through lifestyle changes that can keep heart disease in check.

The NIH and the FDA have helpful guidelines about steps that all American women and men can take to improve heart health. Some tips are as easy as talking to your doctor about it, and some are as easy as taking a daily stroll.

I appreciate the opportunity to speak on this resolution, and I hope women all across the country will take some time to do something good for themselves relative to their heart, and to wear red.

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

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

Mrs. MYRICK. Mr. Speaker, I would like to yield so much time as she may consume to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, we are all joining together to sponsor this resolution. Before I speak, I want to commend both the gentlelady from California and the gentlelady from North Carolina for the exceptional work that they have done on this issue.

We all are on the Health Subcommittee. They have worked diligently on this and have continued in their efforts to raise awareness on heart health for women. The resolution is timely. It is something that we hope tomorrow is going to share the limelight a bit with Valentine's Day as we raise awareness on the importance of heart health for women.

It is also something that is important as an educational tool as we each individually, and then all working together, continue our outreach efforts to make certain that women are aware of the signs of the disease, they are aware of the precautions, and they are then properly informed of the steps that they need to take.

Again, I commend my colleagues for their diligence and work. I appreciate the opportunity to sponsor the legislation with them.

Mrs. CAPPS. Mr. Speaker, I continue to reserve my time.

Mrs. MYRICK. Mr. Speaker, I yield to the gentlewoman from Oklahoma (Ms. FALLIN), who is a cosponsor of this resolution, such time as she may consume.

Ms. FALLIN. Mr. Speaker, I appreciate both of my fine colleagues here and their sponsorship of this great resolution to honor women and, of course, the American Heart Association Go Red for Women Month. It is a very important resolution, and I thank the gentlewoman from California for her leadership in the Women's Caucus, especially in highlighting women's health.

I, too, am very proud to be a sponsor of this legislation. As you know, February is American Heart Month, and now is a great time for all of our Members of Congress, and concerned citizens in our Nation, to focus on how we can live healthier lifestyles, to educate ourselves on what we can do to prevent heart disease and to prevent stroke, and to live the kind of quality of life that we all deserve.

I think it has already been mentioned that heart disease is the number one killer in the United States, and it certainly is a huge problem in the State of Oklahoma. Heart disease afflicts more than one in four Americans, and nearly 80 million in total in our Nation. And for many, it is a deadly disease. Heart disease also kills about two Americans per minute.

And contrary to popular opinion, heart disease is every bit as dangerous for women as it is for men. In the last two decades, more women than men have died from it. In my home State alone, almost 20 women a day die from heart-related illnesses.

Tomorrow, millions of men and women are participating in National Go Red Day. I know I have on black today, and I think all the other ladies have on black, but tomorrow we will be wearing our red. I encourage all of our colleagues here in Congress to wear their red, as well as those around the Nation.

As we wear red tomorrow, we will remind those around us of the importance of fighting this disease. And we can fight this disease by starting just to take some simple precautions: exercising, maintaining healthy eating styles, and refraining of course from habits that are harmful to our health like smoking.

Mr. Speaker, I encourage my colleagues and all Americans to wear red tomorrow, and to remember the millions of people who suffer with heart disease and to think about what we can do to fight this terrible illness.

Mrs. CAPPS. Mr. Speaker, I want to commend our colleagues who have spoken to this important topic, and particularly my good friend and colleague from North Carolina, Mrs. MYRICK, who is symbolizing in her attire what we will all be doing tomorrow, which is not only Valentine's Day but Wear Red Day during Heart Month, to underscore the need for all of us to pay attention to women and heart disease in this month of February.

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

Mrs. MYRICK. I have no further speakers, and I also I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. CAPPS) that the House suspend the rules and agree to the resolution, H. Res. 972.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1800

EXPRESSING SYMPATHIES AND SUPPORT FOR THE INDIVIDUALS AND INSTITUTIONS AFFECTED BY THE POWERFUL TORNADOS THAT STRUCK CERTAIN COMMUNITIES ON FEBRUARY 5, 2008

Mr. COHEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 971) expressing the sympathies and support of the House of Representatives for the individuals and institutions affected by the powerful tornados that struck communities in Alabama, Arkansas, Kentucky, Mississippi, and Tennessee on February 5, 2008.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 971

Whereas on the evening of Tuesday, February 5th, 2008, more than 100 tornados devastated communities in Alabama, Arkansas, Kentucky, Mississippi, and Tennessee;

Whereas more than 50 lives were lost in the deadliest tornado outbreak in the United States in more than 20 years;

Whereas more than a thousand homes, schools, and businesses were destroyed and tens of thousands of residents of the Mississippi Valley have been left without power;

Whereas the effect of the storms on Mississippi Valley families and businesses is still being felt;

Whereas hundreds of volunteers took time from their daily lives to help ensure that the victims of the storm are sheltered, clothed, fed, and emotionally comforted through this traumatic event;

Whereas the Federal Emergency Management Agency, first responders, the National Guard, and additional emergency personnel have coordinated with local authorities and firefighters and have performed beyond the call of duty in the preservation and protection of human lives; and

Whereas the strength, courage, and determination of the citizens of the Mississippi Valley have been evident following the tornados: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its deepest sympathies to the citizens of the States hit by the storms over the devastation caused by the powerful tornados that struck their communities on February 5th, 2008;

(2) expresses its appreciation to the Federal Emergency Management Agency, first responders, and the others involved in the relief effort for their valiant service to those affected by the storms; and

(3) expresses its support as the citizens of these communities continue their efforts to rebuild their community and their lives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentlewoman from Oklahoma (Ms. FALLIN) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. COHEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Resolution 971.

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

There was no objection.

Mr. COHEN. Mr. Speaker, if it's appropriate, normally I would yield myself time now, but I would like to yield some time on the front end to Mr. TANNER from Tennessee because he has to be somewhere. So with the indulgence of the other side, I would like to first yield to Mr. TANNER for remarks.

Mr. TANNER. Mr. COHEN, I do appreciate this courtesy, and I thank the gentlelady from Oklahoma for allowing me to go ahead and speak.

Mr. Speaker, I want to commend the Federal response to the tornados that occurred in Tennessee. I left here early last week and went down to my district in west and middle Tennessee to view, with the Governor of our State and others, the tremendous damage that was done, the loss of life that occurred. And I want to say that the Secretary of Homeland Security and the Director of FEMA were there as I got there last Thursday morning.

And as we toured in Tennessee, most of the damage that we saw occurred near Jackson, Tennessee, where our daughter, our two grandchildren and son-in-law live, at a place called Union University. President David Dockery met us there that Thursday morning, and I can only describe the devastation to Union, the dorms and so on as horrendous; and also conclude that it was a miracle that there was no more bodily injury or loss of life than occurred at Union.

But the other thing, other than the Secretary and the Director of FEMA being there was, in the aftermath of these tragedies like we've seen, and this is the fourth tornado that has basically hit Jackson, Madison County, Tennessee since 1999, the outpouring of help from friends, neighbors and others there gives one a great sense of resolve and gives one the magnanimous feeling of the human spirit rising out of the ashes of these tremendous natural disasters.

Let me just make the observation that we appreciate the quick response of the Federal Government, the State government, all of the FEMA people there, but particularly to the friends, neighbors and my constituents, of those who were injured, who lost everything, their houses gone, it is truly a blessing to see people come together, even under tragic circumstances.

I want to commend Mr. COHEN for bringing this. It hit Memphis, also, as well as middle Tennessee and the other States. But let me just simply add my congratulations to those who brought this resolution, and my thanks to those for the recognition of so many who are doing so much at this time to help those who have suffered so much.

Mr. COHEN. Mr. Speaker, if I may go on with my remarks.

I rise to support House Resolution 971, which is a resolution to express sympathy and support for the individuals and institutions affected by the powerful tornados that swept through the Southeastern Conference States of Alabama, Arkansas, Mississippi, Kentucky and Tennessee just over 2 weeks ago.

Over 100 tornados landed, they killed over 50 people, destroyed hundreds of homes, schools and businesses, and left thousands of people without power. In true American spirit and resolve, hundreds of volunteers cared for the victims and provided shelter, food and clothing.

I express my heartfelt sympathy to all of our fellow citizens in the wake of Mother Nature's wrath, and to commend the men and women who serve this Nation as first responders, police officers, firefighters and emergency medical personnel who place themselves in great danger every day but did on this day as well to protect us and the people that were in harm's way. Our neighbors and friends deserve our sympathy and prayers, and the first responders deserve our deepest thanks and respect.

On the occasion of the day after the tornados, Congresswoman BLACKBURN joined me in Memphis, and we toured around Hickory Hills and met with some individuals, the mayors of Wharton and Harrington and other city officials in Memphis to make sure that the proper procedures were followed.

I talked to the FEMA Director, Mr. Paulison, and he assured me, and he's followed through on his promise that FEMA would do all they could to help the residents in Tennessee and in the other States as well.

I would like to commend President Bush for his quick response. He responded to Governor Bredeson's request to have Tennessee and other areas declared disaster areas, and that was done. And FEMA is on the ground, already issuing checks and helping people.

We've seen a great response from the Federal Government when it was needed, and we're looking for more response, which we're working on now, to provide to our people throughout that district.

I appreciate the gentlelady from Oklahoma (Ms. FALLIN) indulging me and allowing Mr. TANNER to speak and make his important appointment.

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

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

I rise today in support of House Resolution 971, introduced by Mr. GORDON of Tennessee. The resolution expresses the heartfelt sympathy of the House of Representatives for the victims of the devastating tornados that struck communities in the States of Alabama, Arkansas, Kentucky, Mississippi and Tennessee.

On February 5, 2008, more than 100 tornados devastated communities throughout the Mississippi Valley, resulting in the deadliest tornado outbreak in the United States in 20 years.

The tornados took the lives of 50 people, injured countless others, and damaged or destroyed more than 1,000 homes. Additionally, the tornados have left tens of thousands of residents in the Mississippi Valley without power.

In response to these deadly tornados, local, State and Federal officials and emergency personnel responded swiftly to preserve and protect human lives. Their selfless actions saved lives and helped their communities in their efforts to recover from the disaster.

This resolution is a fitting commendation of the courage and determination of local citizens, businesses and volunteer organizations following the disaster. They have shown their heroism and compassion for their fellow citizens while faced with such destruction.

The citizens of the States of Alabama, Arkansas, Kentucky, Mississippi and Tennessee will work hard to rebuild and to make every effort to ensure the recovery of their communities. In recognition of their efforts, this resolution reaffirms our support as they continue to rebuild their homes and their lives.

Mr. Speaker, I'd like to extend my heartfelt sympathy and my prayers to all those who have been affected by this tragedy and to their families. I support this resolution and urge my colleagues to do the same.

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

Mr. COHEN. Mr. Speaker, I reserve the balance of my time to close.

Ms. FALLIN. Mr. Speaker, I yield as much time as she may consume to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I rise in support of House Resolution 971, and appreciate the efforts of Mr. GORDON to bring the resolution forward.

Mr. Speaker, my colleagues have spoken about being on the ground and seeing firsthand the devastation and, of course, Congressman TANNER, Congressman COHEN and I all have counties that were affected by this.

We had nine counties that saw devastation and destruction with the impact of this EF–4 tornado. We had Shelby County, Fayette, McNairy, Hardin, Hickman, Perry, Wayne, Williamson, Montgomery County. Each saw devastation, destruction of property and loss of life.

Mr. Speaker, indeed, we extend our condolences to those families who have lost their lives, and to their loved ones who have seen that loss of life. And we also extend our condolences to those families who have lost their livelihood because, indeed, as has been stated, the destruction is unimaginable.

I have a poster right here from Sunday afternoon when we were in Hardin County at Sharon Baptist Church, which was a wonderful church and school. It was completely obliterated. All six buildings on the campus of that church were obliterated.

And while you see the destruction that is just unimaginable, what you also see is the rising of the human spirit and neighbors who are reaching out to help. I asked Dr. Spencer, who pastors that church, what next? How do they move forward? Because they had nothing left. They had a hymnal that was found two counties over, but other than that, nothing left.

And he said, well, tomorrow morning we start to rebuild. And tomorrow morning we're going to be pulling out the scrap metal, and we're going to be moving the rubble to the street. And tomorrow morning is a new day. And that is the spirit that we see of individuals pitching in, neighbors coming to help.

Now they've also been so well supported by FEMA, by Director Paulison, by TEMA, and the team that is on the ground, by our State and local elected officials who didn't sit around and wait for someone to say they're coming to take care of it. They took action and said, we're going to get this done. It has been a wonderful testament to the volunteer spirit of our great State of Tennessee.

I commend all of those who have served, who have shown up to help and again extend my condolences to those who have lost family members and have lost the means of their livelihood.

Mr. COHEN. Mr. Speaker, I yield as much time as the gentleman from Pall Mall, Tennessee (Mr. LINCOLN DAVIS) needs.

Mr. LINCOLN DAVIS of Tennessee. I thank the gentleman from Memphis, and deeply appreciate your management today of this resolution that we are discussing here on the U.S. House floor.

The tornados and storms and winds that recently tore across the South wrought upon each of our States the tragedy of loss of lives and families being separated. By now all of us have seen the images of fallen trees and toppled homes and, one by one, Tennesseans and other Southerners affected by this disaster have begun the seemingly impossible task of piecing their lives together, clearing wreckage, mourning the lost, and recovering whatever the storm failed to claim.

Our planet, for all its blessings, chooses indiscriminately at times to affront our shores, plains, valleys and farmlands with terrible acts. I'm proud to say, though, as we face the worst of the forces we cannot control, we continue to see the best of the humanitarian spirit that is very much within our power to command.

In this time of need, volunteer associations from the United Way to the Red Cross helped bring aid and comfort to the affected. Within days of the tornados' passing, the Red Cross alone helped provide shelter, comfort and over 44,000 meals with the help of nearly 1,600 Red Cross staff and volunteers in Tennessee alone.

Our local sheriff's departments and volunteer fire departments, neighbors, friends, those from the farm next door or the neighbor next door that may not have lost their home gathered together to offer a shoulder of condolence, hope for the future, and concern and compassion for those affected.

□ 1815

It was not long ago that the people of New Orleans endured the worst of what can happen when we fail to act. And in the wake of the storms in Tennessee and the South, we have shown that we will never commit the sin of inaction again. This week and last, we have shown there is no tornado so powerful, no storm so terrible that the winds of compassion cannot restore and repair any damage brought upon us.

We rise today to honor the losses of those affected, to grieve for those who were so callously and abruptly taken from us that night, and we placed a renewal of our great country and our States in the wake of this storm.

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

Ms. FALLIN. Mr. Speaker, I yield such time as he would consume to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Speaker, I think Mahatma Gandhi once said that if all of the people who profess to be Christians would act like Jesus, the world would be at their feet. And I was reminded of that last week, because when we gathered Sunday morning for the Johnson Atchley Sunday School class at Red Bank Baptist Church where I go, ironically the lesson was on witnessing; and many times people consider ''witnessing'' as sharing the Gospel verbally. But we all know the most powerful witness that anybody can give of their faith and their commitment to the Lord is in what they do. And, man, did we ever see that again last week in Tennessee.

I have to tell of the people in Madison County who've been hit and hit and hit again over the last several years by tornados because one of the students at Union University, who was hurt very badly, is David Wilson, who happens to be a very, very close friend of my family. His parents are two of my wife's and my best friends, and he cotaught that Sunday school class with me at Red Bank Baptist Church for a number of years. His son was transported today from the hospital in Madison County across the street to Erlanger Hospital in Chattanooga where he will be continuing in recovery. But he was hurt critically, and he was underneath the rubble for 4 hours with other students at Union University.

I have got to tell you, the experience that the family saw there was a witness of their faith and their goodness. They not only had the basics of water and food and shelter, they found a home and they took care of them, but they went and got him eyeglasses and met every single need, and they made sure he was flown back to the hospital at home today and met every single need. And that's how people express their love for God is by sharing what they have with others, especially in a time of need.

Tennesseans are good people. And, man, when folks are hurting, everybody comes to help. We saw it again in Madison County. And on behalf of the Wilson family, I want to say from the other end of the State, thank you to the good people of that entire area where the tornados hit yet again. Thank you to Union University for meeting every need. Thank God none of the students died.

David Wilson has got a long, long road back to stand and walk again. We pray for the Wilsons. We pray for David. We pray and thank God for all the people who helped at this time of need. Just appreciate the goodness of the people of Tennessee who came out and helped in so many ways and all of those professionals that were there, it has been said.

And thanks to this delegation for pulling together yet again. And for the people who were hurt in other States and affected and for loss of life, our prayers went up. This is really what it's all about is people being there, because that's really all we are here for is to love God and to serve others.

Ms. FALLIN. Mr. Speaker, I would like to inquire of Congressman COHEN if he has got any more speakers.

Mr. COHEN. Mr. Speaker, no.

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

Mr. COHEN. Mr. Speaker, I want to thank the gentlelady from Oklahoma for her management and Mr. WAMP, Mrs. BLACKBURN, Mr. DAVIS who spoke, and Mr. GORDON and Mr. OBERSTAR who provided statements.

Abraham Lincoln was a great supporter of government and knew that government could do things for people in need and was an important instrument of good in society. Abraham Lincoln might have best expressed it. In a crisis like this, we realize how important government can be when first responders come to the rescue and do jobs of heroic proportion.

Too many times when we are not faced with tragedies and catastrophic events, we don't reflect on the importance of government. And government is the policeman on the street. And it's the paramedic, and it's the firefighter. And it shouldn't just be on 9/11 or on days when you think about 9/11 or tornados you think about these people. But they are government, and they show government works, and they show government worked in this particular situation. It's still working as FEMA's helping people get compensation for their losses and seeing they have habitable places to live in and that the Small Business Administration is helping get businesses started.

Indeed, as Mr. WAMP and others said, it's the volunteer spirit that was shown by people in Tennessee and Alabama and Arkansas and throughout the South. They showed their care for their neighbors. There were people from Georgia and the Red Cross who came into Memphis to help people there.

I want to thank everybody who's helped all of the victims and thank Mr. GORDON for being the proud sponsor on this resolution.

Mr. Speaker, I would ask that everybody join in voting for the passage of this resolution.

Mr. CRAMER. Mr. Speaker, I rise today to honor the victims of the February 6, 2008, tornados in Lawrence and Jackson Counties, Alabama.

Today, I stand with my colleagues from Arkansas, Kentucky, Mississippi, and Tennessee to express our sympathy to the victims of one of the deadliest storms in the past 20 years. In total, over 50 individuals passed away in five states across the Southeast and more than a thousand homes, schools, and businesses were destroyed.

It is with a heavy heart that I remember those from my community who passed, members of the Coleman family of Aldridge Grove, including Gregory, Rebekah, and Gereck; Linda Tinker of Pisgah; and Faye Nell McCullough of Moulton. Thirty-five individuals in north Alabama were also injured, and hundreds of homes were either damaged or completely destroyed by the storm.

On the Thursday following the storm, I joined Alabama Governor Bob Riley to tour the affected areas, and Mr. Speaker, this region has a long road to recovery.

Mr. Speaker, I also rise to thank north Alabama's first responders and State and local emergency management officials for their work throughout the storm and its aftermath. Additionally, I would like to recognize the people of north Alabama, who are once again opening up their hearts and working hard to support the storm victims. I continue to be amazed by the outpouring of sympathy our community exhibits during times of tragedy. These were scenes that I know were similar in communities across the Southeast and I'm proud we recognize these men and women tonight.

As we know, damages caused by tornados are unpredictable. Some families' homes can be lost completely, while their neighbors' homes go relatively untouched. We owe it to those affected to do everything that we can to help them pick up the pieces. We must help them rebuild their homes, repair their community's infrastructure, and move on with their lives.

I encourage my colleagues to support this resolution and help these communities recover.

Mr. WHITFIELD. Mr. Speaker, I rise today in support of this resolution and to offer my most heartfelt sympathy for all Americans who were affected by the tornadoes and other violent weather systems that hit the Delta region States including my State, Kentucky, on February 5th and 6th.

In the First Congressional District of Kentucky, seven individuals tragically lost their lives and many more were injured or displaced. As with any major weather event, there also was significant damage to public and private property, as well as power, water, and communications outages. In total, this storm claimed more than 50 lives across the Nation and thousands of other Americans' lives were dramatically changed in one of the deadliest tornado outbreaks in decades.

Sadly, we are all too familiar with the tragedy and sorrow that takes place when major catastrophic events occur. I had the opportunity to travel to my District shortly after the storms hit, and I was able to speak with many Kentuckians and see firsthand the devastation. While it was heartbreaking to see, I was encouraged by the sense of community and civic responsibility we Americans have. But, these folks cannot go at this alone,

Governor Steve Beshear recently sent a letter to President Bush requesting a Federal disaster declaration and my colleagues and I in the Kentucky delegation sent a letter in support of this request. I hope that this appeal for help will be answered expeditiously.

Mr. Speaker, I also would like to offer my appreciation and gratitude to all the first responders who acted bravely and swiftly to help minimize the effects of these storms. Without their heroism, there could have been far more human suffering that would have taken place.

My thoughts and prayers are with the families and friends of those who lost their lives, and I hope that all Americans affected by this event will soon be able to get their lives back in order.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H. Res. 971, a resolution to express sympathy for the victims of the tornados that struck Alabama, Arkansas, Kentucky, Mississippi, and Tennessee.

On the evening of February 5th, 2008, more than 100 tornados devastated communities in Alabama, Arkansas, Kentucky, Mississippi, and Tennessee and provided us yet another reminder of the horrific impacts of natural disasters. I express my heartfelt sympathy to those who have suffered significant losses as a result of these terrible storms, especially to those who suffered the ultimate loss—the loss of a loved one.

I also rise once again, as I did in May of last year in the wake of devastating fires in my district, and again in August of last year after the tragic bridge failure in Minneapolis, to commend the men and women who serve this nation as police officers, firefighters, and emergency medical personnel, placing themselves in great danger every day in order to protect each one of us.

Twenty-four hours a day, every day of the year, all over this country, when any type of tragedy enters our lives, from a medical emergency facing a neighbor to a large-scale natural disaster, terrorist attack, or other incident, our Nation's emergency responders and charitable organizations are the first on the scene to provide professional services, expert help, aid, and comfort. These well-trained, highly skilled individuals are truly on the front lines in preparing for, responding to, and mitigating damages from a variety of hazards.

Disasters such as the devastating tornadoes that hit just last week demonstrate the countless selfless acts of our Nation's charitable organizations and our Nation's rust responders. These first responders deserve our deepest thanks and respect.

I strongly support this resolution and urge its passage.

Mr. GORDON of Tennessee. Mr. Speaker, I rise today in support of H. Res. 971.

My home State is known as the Volunteer State, and over the last 8 days, the people of Tennessee have proven why we wear that nickname so proudly. When I visited with my neighbors in Macon, Sumner and Trousdale counties after the storm, the devastation was unimaginable. In many instances homes and businesses weren't just knocked down; they were completely gone. People were hurting.

But you could not spend time with them without recognizing how strong the community is. And I saw it again and again last week. In the worst of circumstances, friends, neighbors, complete strangers all banded together to help those who are hurting right now. As many of you watched the news last week you no doubt learned that, while Tennessee took the hardest hit, this was not something exclusive to us. People in Alabama, Arkansas, Kentucky, Mississippi, and Indiana also put their lives on hold to help their neighbors recover.

While we can rebuild our communities, we cannot replace human lives. Today I rise to remember the 13 lives lost in Macon County, the 7 in Sumner, the 2 in Trousdale. I also want to honor the First Responders and the volunteers who have treated the injured and who are working so hard to put our communities back together. It's going to take some time, but we're going to get there. And I want to thank President Bush and Governor Bredesen for acting so quickly to get help to our communities.

I thank my colleagues for their support last week and their continued support throughout the recovery process. As the President accurately stated a week ago, at times like these, "Prayers can help and so can the government." In Middle Tennessee and throughout the South, we will continue to need those prayers and need the President's help as we work to rebuild the lives and communities affected by these storms.

The national cameras are gone and the debris is being removed, but we still have a lot of work ahead of us.

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

The SPEAKER pro tempore (Mr. WALZ of Minnesota). The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution, H. Res. 971.

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.

BLOCKING PROPERTY OF ADDITIONAL PERSONS IN CONNECTION WITH THE NATIONAL EMERGENCY WITH RESPECT TO SYRIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–95)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act, as amended (50 U.S.C. 1701 et seq.) (IEEPA), I hereby report that I have issued an Executive Order taking additional steps with respect to the Government of Syria's continued engagement in certain conduct that formed the basis for the national emergency declared in Executive Order 13338 of May 11, 2004, including but not limited to its efforts to undermine the stabilization and reconstruction of Iraq.

This order will block the property and interests in property of persons determined by the Secretary of the Treasury, after consultation with the Secretary of State, to be responsible for, to have engaged in, to have facilitated, or to have secured improper advantage as a result of, public corruption by senior officials within the Government of Syria. The order also revises a provision in Executive Order 13338 to block the property and interests in property of persons determined by the Secretary of the Treasury, after consultation with the Secretary of State, to be responsible for or otherwise significantly contributing to actions or decisions of the Government of Syria that have the purpose or effect of undermining efforts to stabilize Iraq or of allowing the use of Syrian territory or facilities to undermine efforts to stabilize Iraq.

I delegated to the Secretary of the Treasury the authority to take such actions, after consultation with the Secretary of State, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of my order.

I wish to emphasize, as well, my ongoing concern over the destabilizing role Syria continues to play in Lebanon, including its efforts to obstruct, through intimidation and violence, Lebanon's democratic processes.

I am enclosing a copy of the Executive Order I have issued.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 13, 2008*.

FARM BILL MUST NOT REDUCE FOOD STAMP BENEFITS

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

Mr. MCGOVERN. Mr. Speaker, last year the House did its job and passed a fully funded farm bill with important improvements in the food stamp and TEFAP programs. The Senate, unfortunately, was not so responsible.

Now that the farm bill negotiations are under way, we hear that reducing funding for food stamps and food banks is on the table.

Mr. Speaker, this farm bill should not be negotiated on the backs of the hungry. Feeding hungry people is never wrong, but taking food out of their mouths is, and that's what a reduction in the House-passed domestic nutrition title would do.

Mr. Speaker, we must draw a line in the sand and say enough is enough. House farm bill negotiators must stand up to the Senate and say, ''Not this time.''

The recently passed stimulus package does not include food stamp provisions, even though economists across the political spectrum agree that food stamps are one of the best ways to stimulate the economy.

And now food stamps may be cut below the House-passed levels? We can and must do better.

I submit for the RECORD a letter signed by 153 Democrats to the chairman of the Agriculture Committee urging him to hold the line and insist on the House-passed nutrition title in his negotiations.

JANUARY 30, 2008.

Hon. COLIN C. PETERSON,

Chairman, Committee on Agriculture, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN PETERSON: We want to thank you and the Members of the Agriculture Committee for your hard work on H.R. 2419, the Farm, Nutrition and Bioenergy Act of 2007. We appreciate how well you balanced the needs of farmers and consumers in the legislation. One of the key reasons for our support for the bill is the inclusion of a strong nutrition title that addresses the needs of the tens of millions of Americans, including many children and working families, who struggle against hunger by investing in and strengthening the Food Stamp Program. This bill also provides needed long-term support to our nation's food banks.

As you know, hunger is getting worse in America while the costs of food, housing and utilities are rising. We have a responsibility to help low- and middle-income families as they face these challenges. The Farm Bill is a safety net that protects people from going hungry; it represents one of the single most important opportunities we have this year to address the needs of disadvantaged children, struggling working families, seniors and people with disabilities in '' our communities. We will be doing a disservice to anyone who must rely on these programs if we acquiesce to provisions that ultimately deny hungry Americans food in their time of need.

New investments in the nutrition title are long overdue. The average food stamp benefit is a mere $1 a person a meal. The $10 minimum benefit has been stuck at the same level for 30 years. The $2,000 limit on assets for most food stamp households has not changed in two decades. And the shortfall in TEFAP commodities purchases is leaving many food bank shelves empty. It is vital that the conference agreement secure permanent funding at no less than the House-passed levels for the food stamp and TEFAP programs, and we strongly urge to include these improvements in the conference report.

We commend you for the important improvements included in the nutrition title of the House-passed bill. While there are also many improvements in the nutrition title of the Senate-passed bill, there is a profound and very troubling difference between the House and Senate nutrition titles. The House bill would make these provisions permanent law while, under the Senate bill, all the major benefit improvements would terminate after 2012. Simply, this means that these important policy improvements would return to today's law, resulting in a major reduction in benefits to more than 10 million recipients. Should these improvements sunset in 2013 and return to the 2008 levels, more than 300,000 low-income people would be cut off from food stamps altogether. We should be working to end hunger in America. We think you would agree that a final conference agreement that sunsets and underfunds improvements in the nutrition title would be unacceptable.

Again, we thank you for your commitment to the issues surrounding the people in our country who rely on programs like Food Stamps and TEFAP. We strongly urge the conference report to include permanent funding at no less than the House-passed levels for the food stamp and TEFAP programs. We look forward to working with you to maintain all of the critical improvements in these programs in the final Farm Bill.

Sincerely,

McGovern, James; DeLauro, Rosa; Woolsey, Lynn; Lee, Barbara; Solis, Hilda; Kilpatrick, Carolyn Cheeks; Moore, Dennis; Green, Al; Lewis, John; Filner, Bob; Moore, Gwen; Crowley, Joe; Neal, Richard; Grijalva, Raul; Maloney, Carolyn; Kildee, Dale; Nadler, Jerry; Jackson-Lee, Sheila; Kennedy, Patrick; Markey, Ed; Ellison, Keith; Capps, Lois; Towns, Ed; McDermott, Jim; Watt, Mel; Johnson, Hank; Becerra, Xavier; Hare, Phil; Shea-Porter, Carol; Arcuri, Mike; Tauscher, Ellen; Jefferson, William; Wu, David; Sutton, Betty; Frank, Barney.

Davis, Danny; Allen, Tom; Cuellar, Henry; Gonzalez, Charles; Carnahan, Russ; Christensen, Donna; Waters, Maxine; Guitierez, Luis; Clarke, Yvette; Hinchey, Maurice; Serrano, Jose; DeFazio, Peter; Hirono, Mazie; Ryan, Tim; Clay, William Lacy; Schakowsky, Jan; McNulty, Mike; Weiner, Anthony; Brown, Corrine; Berman, Howard; Jones, Stephanie Tubbs; Doyle, Mike; Butterfield, G.K.; Olver, John; Michaud, Michael; Courtney, Joe; Davis, Susan; Levin, Sander; Matsui, Doris; Yarmuth, John; Murphy, Chris; Fattah, Chaka; Jackson, Jesse; Slaughter, Louise; Doggett, Lloyd; Schiff, Adam; Stark, Pete; Loebsack, Dave; Lynch, Stephen; Langevin, Jim; Oberstar, James; Rush, Bobby; Meek, Kendrick.

Rothman, Steven; Berkley, Shelly; Miller, Brad; Wynn, Al; Kaptur, Marcy; Lowey, Nita; Welch, Peter; Thompson, Bennie; Farr, Sam; Hinojosa, Ruben; Sestak, Joe; Udall, Tom; Engel, Elliot; McCollum, Betty; Norton, Eleanor Holmes; Cummings, Elijah; Wilson, Charles; Pastor, Ed; Ortiz, Solomon; Murphy, Patrick; Miller, George; Delahunt, William; Sanchez, Linda; Sires, Albio; Larson, John; Baldwin, Tammy; Reyes, Silvestre; Wexler, Robert; Watson, Diane; Hodes, Paul; Honda, Michael; Velazquez, Nydia; Braley, Bruce; Price, David; Cardoza, Dennis; Napolitano, Grace; Larsen, Rick; Inslee, Jay; Pallone, Frank; Dingell, John; McNerny, Jerry; Tsongas, Niki; Scott, Bobby.

Cohen, Steve; Gillibrand, Kirsten; Van Hollen, Chris; Murtha, John; Andrews, Rob; Cleaver, Emanuel; Brady, Robert; Conyers, John; Sanchez, Loretta; Sherman, Brad; Roybal-Allard, Lucille; Costello, Jerry; Lofgren, Zoe; Walz, Tim; Sarbanes, John; Hooley, Darlene; Bishop, Sanford; DeGette, Diana; Hall, John; Holt, Rush; Bishop, Tim Payne, Donald Pascrell, Bill Eshoo, Anna Higgins, Brian McCarthy, Carolyn; Davis, Artur; Schwartz, Allyson; Shuler, Heath; Costa, Jim; Castor, Kathy; Waxman, Henry.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

REJECT ANOTHER SHORT-TERM EXTENSION TO THE PROTECT AMERICA ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. PRICE) is recognized for 5 minutes.

Mr. PRICE of Georgia. Mr. Speaker, I hadn't planned on coming down here tonight, but this is a sad and distressing day for this House of Representatives.

Mr. Speaker, I suspect you know, some may not, but there are companies in America that are patriotic and they want to help our Nation fight against those who would do us harm. But amazingly, Mr. Speaker, they feel that they can't. And why? They believe that if they do, they will be sued. That is right, Mr. Speaker. Companies in America believe, and have been given counsel by their attorneys, that if they help the United States Government assist in making our Nation safer, they will be sued. The threat of trial lawyers are preventing our Nation from protecting itself.

Outrageous you say? So do I. So do I.

If Congress doesn't act this week, this week, critical tools that allow our intelligence officers to monitor terrorist communications overseas will expire. Yesterday, the Senate approved a bipartisan bill, a bipartisan bill by a vote of 68–29, to close the terrorist loophole in our intelligence law. The Senate bill represents a remarkable compromise between Congress and the administration.

It rightly restores the original intent of the Foreign Intelligence Surveillance Act, FISA, by ensuring that intelligence officials can conduct surveillance on foreign targets without a court order while still protecting the civil liberties of the American people.

It also grants liability protection to telecommunication companies that helped our government after September 11. Allowing these companies to be subject to frivolous lawsuits threatens their cooperation in the future and would cripple America's counterterrorism efforts. This, unfortunately, Mr. Speaker, appears to be what the House Democrat majority desires.

Every American will become exposed to greater threats. Every American: moms, dads, sons, daughters. Every single American is exposed to greater threats because this majority refuses to consider a long-term solution to the problems facing our intelligence community.

I haven't read, Mr. Speaker, that terrorists have placed an expiration date on their plots to destroy our way of life. Congress shouldn't put an expiration date on our intelligence community's ability to protect our Nation.

This bill expires this week. We must act. Mr. Speaker, elections have consequences, and it appears that the Democrat left majority now in charge is beholden to trial lawyers. I just didn't think that they would put those trial lawyers ahead of national security.

Mr. Speaker, this is a sad day. I can only hope that the American people are paying attention.

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.)

□ 1830

IRAQ NUMBER 250

The SPEAKER pro tempore (Mr. WALZ of Minnesota). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, this is a moment that I had hoped would never come. I am rising for the 250th time to oppose the occupation of Iraq. It's a sad task, because 250 times means that the occupation has dragged on and on nearly 5 years.

I had hoped that my first speech would be my last, or my 50th or even my 100th, but the administration continued to follow its blind and destructive path year after year. As the saying goes, ''All that is necessary for evil to triumph is that good people do nothing.''

So, to be sure, I have raised my voice time and time again on this floor to protest the administration's folly and hold it accountable for its reckless actions and its reckless policies.

The American people have raised their voices, also, Mr. Speaker. They have said that they want an end to this occupation and a responsible redeployment of our troops. But our leaders in the White House, who first turned a deaf ear to the people of the world when they invaded Iraq, continue to turn a deaf ear to their very own people in the United States of America.

What makes this occasion even sadder for me is that I will have to rise many more times before the occupation ends because the administration has made it absolutely clear that it will continue its occupation right to the bitter end of its term in office.

And I fear that the occupation may go on long after that. A leading Republican Presidential candidate said that he has no problem with the occupation lasting 100 years. No problem. And this same candidate said the other day, and

I quote, ''There's going to be other wars.'' This is exactly the kind of ''shoot-first, ask-questions-later'' thinking that got us into trouble in Iraq in the first place.

Fortunately, the Democratic Presidential candidates have a different mindset, a mindset that uses diplomacy and international cooperation to solve problems, not war. But the current administration is working hard to tie the hands of the very next President. It's negotiating to establish permanent bases in Iraq. And it is planning to keep troop levels absolutely as high as possible.

Remember all the sweet talk, Mr. Speaker, last September about possible troop cuts? It was an absolute sham. And what are we getting for the tragedy of Iraq? Are we any safer? Absolutely not. In fact, the director of National Intelligence has warned that al Qaeda is getting stronger in its cozy safe haven in Pakistan, and that they are busy training more and more operatives.

A whole new generation is growing up in occupied Iraq. Their memories begin after U.S. forces rolled in. Since electricity and water and basic services have been on the fritz. Since whole neighborhoods have become wandering refugees. Many have never known the cultural gems of their own country. This cannot bode well for the region.

Secretary of State Rice has admitted that the Taliban is resurgent in Afghanistan. And the report of the Congressional Commission on the National Guard and Reserves found that there is an ''appalling gap'' in our ability to defend the homeland because of Guard and Reserve redeployments to Iraq.

Meanwhile, we are squandering $12 billion per month on the occupation while our economy slides into recession and the American people face the loss of their jobs, their health care, and their homes. Let's be clear, Mr. Speaker, the main reason we are in this recession is because of the senseless and unending occupation of Iraq.

And our brave men and women in uniform, what about them? They're paying a very high price for this occupation. Every day, five U.S. soldiers try to commit suicide because the frequency of deployment has put tremendous stress on them and their families. This is simply unacceptable and a national disgrace if we do not act to reverse this trend.

Mr. Speaker, I will be back on this floor talking about this some more, but this is my 250th time, and I want you to know, it's time that this occupation be over.

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.)

RECOGNIZING THE ACHIEVEMENTS OF ROSEMARY MUCKLOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, today I rise to recognize the achievements of a friend of mine, Rosemary Mucklow. Rosemary is the long-standing executive director of the National Meat Association and has been somewhat of a legend in the meat and food business. Her dedication to the industry is evident by her business achievements, there are so many of them.

Rosemary was born in Scotland and went to work at the Ministry of Agriculture and Fisheries for the British Government before being hired as a secretary at the Pacific Coast Meat Association, which was later named the Western States Meat Association, and then renamed the National Meat Association.

In 1996, Rosemary received the E. Floyd Forbes award from the Meat Association for her outstanding service. She was honored again in 2002 by the American Meat Science Association for her ''commonsense leadership.'' She served on the National Advisory Committee on Meat and Poultry Inspection and was the vice president of the International HACCP Alliance. Throughout her career, she has highlighted the importance of information and education of the meat industry to improve standards, efficiency, and quality.

Rosemary will be retiring very soon, but if I know Rosemary, retirement for her won't mean just quietly fading into the sunset. She is going to be active, probably still in the association, and in the industries.

I had the opportunity to get to know Rosemary about 10 or 12 years ago when we, in the House Ag subcommittee of appropriations were passing the HACCP law. At that time we were moving from visual carcass-to-carcass inspection of meat and poultry to microbial testing, taking this to the modern technology. Rosemary knew so many people in the industry, and there was a lot of controversy, but she was able to get the people together to come up with the right compromises and the right push at the right time to get the thing from floundering.

She also was very active at a time when there was some Salmonella and E. coli issues that had threatened to close down the industry and push through, I think, very aggressive mandatory recall authority for the Secretary of Agriculture. Rosemary brokered some ''peace in the valley,'' you might say.

She's got the kind of enthusiasm that can only be called ''contagious.'' I met her through a man who is a sausage manufacturer in San Francisco named Al Piccetti, and the Piccetti family has also become friends of mine. And it seems like birds of a feather flock together. Rosemary's friends are good people. They have invited Libby and me to go visit them out in San Francisco, and we had a very nice time dealing with them. All the hospitality I would say that they have given us over the years and the friendship, those kind of relationships that in this business are rare to find. I will say this, I have no idea what Ms. Mucklow's politics are, if she's Democrat or Republican. In fact, the last time she was in Washington, she really prefers, for some reason, the west coast, but the last time she was here she said, Jack, I don't need to see you, I'm going to go see Chairwoman ROSA DELAURO because that's where the action is now. And she said that with a twinkle and a smile, and then she went up to go see ROSA. But she has that kind of good will that she can deal with both sides of the aisle and get the argument off politics into what is best for the American food consumer. What's best for the industry and the consumer has always been her goal.

I will say I don't even know what kind of activities she does on a personal level, but I know this, that whatever she is doing right now, she's doing it with a smile and a lot of fun and involving a lot of people.

She's the kind of lobbyist or industry advocate that keeps a good reputation for the industry that she represents because she doesn't cut corners, she doesn't do political things, she doesn't think in terms of backroom deals or power moves or anything like that, she wants to do what's fair and what's just for the American people, and has a broad picture far beyond her job or her industry or her association.

We're going to miss her kind of leadership, but I do hope that in her retirement she does not become a stranger. With that, I want to say thank you, Rosemary Mucklow, for your many years of advocacy for the American food consumer and for the industry.

ROSEMARY MUCKLOW, EXECUTIVE DIRECTOR, NATIONAL MEAT ASSOCIATION, OAKLAND, CA

Rosemary Mucklow is Director Emeritus of National Meat Association, (formerly Western States Meat Association) an Oakland-based trade association representing packers, processors, wholesalers, sausage makers, and other related firms in the U.S. meat and poultry industry.

Until 2007 she was the NMA Executive Director and held this position since 1982 when the Western States Meat Packers Association and the Pacific Coast Meat Association merged to form the stronger, broad-based organization it is today. Rosemary has been associated with the meat industry for over 40 years.

As Executive Director, Rosemary's responsibility's included the administration of the affairs of the National Meat Association. She continues to oversee the activities of NMA as Director Emeritus, and as part of her daily activities she maintains working contacts with NMA's members so that she remains fully informed about the effects on their businesses of government and market activities.

Almost daily, Rosemary advises members on the intricacies of the federal meat and poultry inspection laws, and other laws administered by the Department of Agriculture.

Rosemary has a reputation for ''telling it like it is.'' She is considered a formidable adversary in defending the industry when it's right, and she'll be equally straightforward in making corrections when it is not. In 1996 Rosemary received the E. Floyd Forbes award presented by the National Meat Association in recognition of her outstanding services to the meat industry. In 2002, she was honored by the American Meat Science Association for her ''common sense leadership in the areas of food safety and public policy.'' She was appointed to the National Advisory Committee on Meat and Poultry Inspection and elected Vice President of the International HACCP Alliance. She is an honorary member of the American Association of Food Hygiene Veterinarians.

Aside from her responsibilities as Director Emeritus of NMA Rosemary is a member of various research and industry related organizations. She is a Trustee on several Taft-Hartley Funds administering medical and pension benefits for union workers. She has worked to raise funds in the area of cancer research as President of the Peralta Cancer Institute and has reached out to assist disadvantaged people in the community. She is the President of the Berkeley City Club, as well.

Rosemary was born and educated in Edinburgh, Scotland and had various jobs unrelated to the meat industry before coming to the United States in 1959. She earned her Bachelor of Arts, majoring in Accounting at Golden Gate University, graduating in 1970. She resides in a cottage with a panoramic view of the Golden Gate and surrounded by a woodsy rose garden in Berkeley, California with two feline companions.

JOLLEY: FIVE MINUTES WITH ROSEMARY MUCKLOW, RET., NMA

Rosemary Mucklow is really going to retire this time, No kidding. Ms. Mucklow, the long-standing Executive Director of the National Meat Association and a legend in the meat business, took a first stab at retirement several years ago. It didn't take. After several fruitless months of searching for her replacement, the National Meat Association's board of directors threw in the towel and asked her to stay on a bit longer.

Her second retirement announcement, issued just a few weeks ago, included a surprise. The next Executive Director had already been chosen—Barry Carpenter, the recently retired Deputy Administrator of the Agricultural Marketing Service and one of the few with the gravitas to follow in the deep foot prints left by Ms. Mucklow.

Note: In writing this, I almost called Carpenter ''her replacement,'' a silly misnomer on my part. To be correct, she will be followed in the office by Mr. Carpenter. No one will ever replace her.

Retirement for Rosemary does not mean she will immediately take up knitting at some condo in Sun City. She won't even hide out at her home in the Berkeley hills. OK, she might do some more knitting, it's always been a hobby. But those needles are much sharper than the standard issue dime store needles—maybe they're those Addi Turbo 47 inch circular brass knitting needles with finely honed points—and they will still be used with great dexterity to prod an occasionally recalcitrant industry onwards.

In this interview, I asked her to construct a mini-hall of fame and induct an inaugural class of people she has worked with in her long career. It was an impressive list but short one name. In any meat industry hall of fame, her name will be listed at the top in recognition of the lengthy and positive impact she's had.

Let's spend five minutes with Rosemary as she prepares to slowly and reluctantly step away.

It's been said that retirement isn't for sissies and that's something you've never been accused of being. So are you really going to do it this time and what does retirement mean to a hyper-active, over-achiever like you?

On February 1, 2007, when Barry Carpenter accepts the position of CEO/Executive Director, my status with NMA will change to Director Emeritus. I expect to turn over the ceo responsibilities to Barry, and as we proceed through a transition time, to be able to focus my time and energy on many undone activities for which there has been very limited time. Retirement is a misnomer really, and because Barry will be recused from certain activities with his former employer, I will be an interim bridge for those purposes. I'm certainly not retiring to my cottage in the hills of Berkeley to knit full time!

In military terms, you seem to be doing a ''phased withdrawal'' from your duties at NMA. What will keep you busy as your time out of the office expands?

Oh, there are lots of things on the horizon! I'd like to visit and work with individual members more, I'd like to have the time to go through lots of history and big files that have accumulated over the years, and probably to do a little writing about the changes we've already seen, and what might lie ahead.

How about a short history lesson? How and when did you get started in the trade association business? A little background on ''why,'' too

I was hired by then Pacific Coast Meat Jobbers Association on February 1, 1961 as the secretary in a two-person office. Our major focus was collective bargaining on behalf of Bay Area meat jobbers and processors. There were a couple of changes in the man that I worked for that year, and we got through labor negotiations, and by early 1962 I had a new boss who was a lawyer and accountant. After the 1964 negotiations, he told me I was not good as a secretary, and why did I not go back to school and get educated, so I went to Golden Gate University and after five years received my BA in Accounting in 1970.

By that time, the boss was back practicing law, and in absentia, so I got to fill the void and apply what I had learned and we were in the years of implementation of the 1967 changes to the Federal Meat Inspection Act. We were innovative and energetic, I made friends with the bigger organization, Western States Meat Packers Association, and in 1982, under the leadership of Cal Santare of WSMPA, we merged Pacific Coast and WSMPA into Western States Meat Association. In 1996, because of broader interest in what WSMA was doing, we changed the name to National Meat Association. It's been an exciting and bumpy ride!

You've had the opportunity to meet and work with many of the legends in the business. Let's construct a mini-hall of fame here and induct the inaugural members. Who would they be and why would you include them?

First the man who hired me: Tom Morton, who went on to be very successful in the investment business. I should have followed him!

Don Houston, FSIS Administrator, was a good friend, and provided critical access for me to the USDA regulatory process.

Cal Santare, who believed that a woman could do it, when many of his cohorts didn't think so!

Al Piccetti, of San Francisco Sausage, a former President of PCMA, who encouraged me to reach for my dreams.

Ben Goehring, of Goehring Meat, another former President of PCMA and later of WMSA, who inspired me with strength and friendship.

Kathi Mosie, of Saag's Products, who never failed to be supportive.

Phil Bauer of Federal Meat, who had to fight for me on principle, and thus earned unpopularity with some associates.

Cal Faello of King Meat who went to the mat for me as a matter of principle.

John Duyn of Carlton Farms who helped me to make change from good old boys to the next generation.

Dick Lyng, whom I knew in California, who showed me by example how to be a better politician

Phil Olsson of Olsson, Frank & Weeda, friend, lawyer, counselor and absolutely straight arrow for over 30 years.

In the industry, many of the toughies reached out to be helpful to me, including Bob Peterson, Ken Monfort, and more recently Joe Luter. John Miller is a longtime friend, People like Bill Buckner, Dick Bond (whose first job was for one of the early WSMPA legends, Homer Glover), Rich Vesta, Bernie and Joe Clougherty, Gary Waldman, Terry Caviness, Dave Wood, Les Oesterreich, Warren Wilcox and Harvey Dietrich. In academia, I can never forget Russell Cross, Gary Smith, Jeff Savell, Roger Mandigo, Gary Acuff, and Elsa Murano and lots more. And Lou Gast whom I first knew at FSIS in the early 80s has come through over and over again.

Indeed, I have been blessed, and while there are many omissions from this group, my strength has come from the generosity and kindness of many, many people in this great industry.

You've accomplished a lot during your tenure at WSMA/NMA. What achievements stand out the most?

Running a trade organization is not like playing a football game. There are not winners and losers after a fixed amount of game time!

Some legal wins, such as the Supreme case on Salmonella Testing at the 5th Circuit Court was a powerful event. Also, the driving energy by NMA to get the U.S. Canadian Border open was a special ''win.''

But the big win is the strong support of people for the goals of NMA and what it stands for, for the respect shown toward me and this organization for what it does to serve the needs and interests of the industry, and for the appreciation of members, large and small, for what we stand for and the efforts we make.

Using your many years of experience, let's look ahead. What does the future look like from your vantage point? Can you talk about issues that we can look at with pride as well as the issues that might create some problems?

I see lots of opportunities that lie ahead! The 21st Century will be a stimulating and exciting time for firms that pay attention to what consumers want to buy, rather than make a commodity product to ship out.

There is a huge amount of innovation going on as we speak in this great industry. I think we need to provide the next generation with relatively simple information about how to make food taste good and be safe, all at the same time. There are a zillion cookbooks, but in addition to easy meals for consumers on the rush, there is a need to demonstrate that good food is a catalyst for good friends and families to get together. I like it best when I hear that competitors can find common ground with each other in the marketplace.

No one is going to eat the same item over and over again. Variety, reasonable portion size, and good taste is very important, I think there are big opportunities for developing new niche markets, and trade organizations will be challenged to fairly represent their members interests in the upcoming debates. I think there are opportunities for

small Individuals to bring forward their idea, and it gives me the greatest pleasure to help small firms that have the dynamic energy to grow their market share with a good idea.

As Barry Carpenter prepares to pick up the torch, what advice do you have to give him?

Barry brings strengths to the leadership of this organization that are quite different to mine. He is highly respected for his capacity to understand this industry, and for honesty and integrity. I am thrilled that he will take over, and I will try not to get in his way as he leads with new ideas and creativity and builds on the strengths of NMA as we know it today.

NMA's member response services have created a new gold standard for the industry, for large and small firms. Our availability to assist and guide firms through the maze of regulatory requirements is legendary. I will continue to support Barry in any way appropriate and possible and am thrilled that the lengthy transition will give us opportunities to work together in a different way to serve the needs and interests of our great meat industry, and liberate me to think about new projects that can be valuable for the future of our organization.

The SPEAKER pro tempore (Ms. CLARKE). Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

(Mr. HINCHEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CONGRESSWOMAN WOOLSEY'S 250TH IRAQ SPECIAL ORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Madam Speaker, I come to the floor this evening to join Congresswoman WOOLSEY in her 250th special order on the ongoing quagmire in Iraq. I just want to take a moment to commend Congresswoman WOOLSEY and thank her for her leadership and her commitment to ending this occupation of Iraq and bringing our troops home. It was her resolution several years ago that we were able to begin, actually, the debate on this floor with regard to bringing our young men and women home. So I do have to salute you, Congresswoman WOOLSEY, and thank you again very much for your commitment and your tenacity and your willingness to be a voice that is so desperately needed to be heard.

Madam Speaker, it's really, though, unfortunate that Congresswoman WOOLSEY, myself, Congresswoman WATERS, and all of our colleagues have to come even once to this floor and speak out against the invasion and subsequent occupation of Iraq. But the reality is, we are in Iraq. And the reality is, also, that the cost of our invasion and the subsequent occupation of Iraq have been very high.

As of February 10, 2008, according to the Defense Department, 3,955 of our brave young men and women have given their lives, nearly 30,000 United States troops have been injured, and countless thousands of Iraqis have been killed. We've committed a half trillion dollars and gotten what in return? We are still occupying a country which has undermined our standing and credibility in the world, what we have done as it relates to our occupation of Iraq.

And so we have an opportunity once again to talk about why we do not believe funding the President or giving the President another blank check for waging war in Iraq makes any sense. We have the opportunity to turn this around in the coming war supplemental, which I understand may be once again before us next month. We must insist that the only funds that the President should get should be to protect our troops on the ground and bring them back home safely, not one more dime to continue the occupation, nor one more dime to continue the combat that is taking place in Iraq. And of course we call that, and it is better known as a fully funded redeployment.

Equally as important, when our troops come home, we must ensure that they all come home. And that's why we continue to work with our colleagues to include provisions to prohibit permanent military bases in Iraq. We have been successful, in a bipartisan fashion, in including language in a number of authorizing and appropriation bills, as well as a stand-alone bill, H.R. 2929, which passed the House in July of 2007 by an overwhelming bipartisan vote.

In spite of the fact that the President has signed these provisions into law, I believe it's six times since 2006, he issued a statement as he signed the fiscal year 2008 Department of Defense authorization bill signaling his intention to ignore the provisions banning permanent military bases, to ignore that provision. Sadly, unfortunately, this is a pattern coming from the White House that really does seem intent on cutting Congress out of any decisions relating to the permanent stationing of the United States military in Iraq.

At the end of last year, without formal congressional input, this declaration of principles for a long-term relationship of cooperation and friendship between the Republic of Iraq and the United States of America was discussed between Prime Minister Maliki and President Bush. Now these ''principles'' will set the stage for future agreements on the disposition of United States troops in Iraq. To make certain that this does not end up being a backdoor way to keep our troops in Iraq indefinitely, which of course many of us are worried about, I recently introduced H.R. 5128, which will require that any formal agreement emerging from this declaration of principles has the approval of both the House and the Senate. Further, it states a sense of Congress that the Iraqi Parliament should put their seal of approval on any agreement as well, which just makes sense.

Finally, it will prohibit funding for any agreement that may emerge from these principles that does not have the approval of the House and the Senate.

There's no denying that a majority of the American people are with us. A recent CNN Opinion Research Corporation poll has found that nearly two-thirds of all Americans oppose the occupation of Iraq.

Madam Speaker, we need to end this occupation and bring our troops home as safely and as quickly as possible. And it is because of the courage and fortitude of Members such as Congresswomen WOOLSEY and WATERS, who come to this floor each and every day. When the history of this period is written, historians will look back and say that there were some who opposed this and wanted it to end and end quickly.

□ 1845

FIGHTING IDENTITY THEFT AND DEFENDING THE HOMELAND

The SPEAKER pro tempore (Ms. CLARKE). Under a previous order of the House, the gentleman from Illinois (Mr. KIRK) is recognized for 5 minutes.

Mr. KIRK. Madam Speaker, according to a 2005 GAO study, employers reported the use of 1.4 million Social Security numbers that did not exist. Nearly 1.7 million numbers had been used by multiple individuals, sometimes as many as 500 times for the same Social Security number. In my district, the Waukegan police find that at least 20 fake Social Security cards are found by law enforcement every week.

Now, upgrading the Social Security card should be common sense. It's about seniors. It's about identity theft. It's about illegal immigration. And it's about keeping Americans safe.

When we look at today's Social Security card, we find a 1930s design. It lacks a picture. It lacks a bar code. It lacks a magnetic strip. It poses almost no barrier to the thousands of counterfeiters that make false Social Security cards.

Today, along with my colleague from Illinois Peter Roskam, we have introduced legislation to finally give Americans the choice between the old 1930s design Social Security card and the new secure Social Security card. This card offers enhanced protections across the board. It would replace that flimsy and easily counterfeitable Social Security card with a 21st century identity document that gives seniors real protection. Our legislation and this design is based on the government's common access card. Already the U.S. government has issued 10 million of these cards, and its protections, in our judgment, we believe, should be offered to people in the 21st century against Social Security card counterfeiters.

We think this legislation is important to propose a significant barrier to those who would counterfeit Social Security cards, to help seniors in fighting identity theft, and to make sure that a person who has that number and this card is really who they say it is.

We saw on September 11 that 18 of 19 hijackers had valid U.S. IDs during their crime of the century. I think it's time to make sure that at least the Social Security card has the 21st century protections that we can offer to make sure that we protect seniors, to make sure that we protect all Americans, and to protect the Social Security system. That's why we think that this legislation to create these secure Social Security cards is an idea whose time has come.

REPORT ON RESOLUTION PROVIDING FOR ADOPTION OF H. RES. 979, RECOMMENDING THAT HARRIET MIERS AND JOSHUA BOLTEN BE FOUND IN CONTEMPT OF CONGRESS, AND ADOPTION OF H. RES. 980, AUTHORIZING COMMITTEE ON THE JUDICIARY TO INITIATE OR INTERVENE IN JUDICIAL PROCEEDINGS TO ENFORCE CERTAIN SUBPOENAS

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 110–526) on the resolution (H. Res. 982) providing for adoption of the resolution (H. Res. 979) recommending that the House of Representatives find Harriet Miers and Joshua Bolten, Chief of Staff, White House, in contempt of Congress for refusal to comply with subpoenas duly issued by the Committee on the Judiciary and for the adoption of the resolution (H. Res. 980) authorizing the Committee on the Judiciary to initiate or intervene in judicial proceedings to enforce certain subpoenas, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 110–527) on the resolution (H. Res. 983) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules and providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

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.)

THANKING THE HONORABLE LYNN WOOLSEY, MEMBER OF CONGRESS, FOR ALL SHE HAS DONE IN TRYING TO CONVINCE CONGRESS TO BRING OUR SOLDIERS HOME FROM IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Madam Speaker, this evening I come to the floor to be with my friend and colleague Congresswoman LYNN WOOLSEY as she gives her 250th speech and Special Order on this floor. I come to be with her to commend her for the tremendous leadership that she has provided not only in speaking out against the war in Iraq, but because she has given numerous press conferences, she has been on numerous speaking engagements, she has spoken with editorial boards, she has written articles, she has done everything that could be done in order to provide leadership and to encourage and urge the Congress of the United States to bring our soldiers home.

Unfortunately, her messages have not always been heard. But there are those of us, those of us who work with her in the Progressive Caucus, those of us who work with her in the Out of Iraq Caucus, who have tried to not only give support but to do the same kinds of things that she has been doing in order to end this war.

The American people are tired of this war, and I find it disingenuous for some of the pundits to say that somehow this is off the radar screen, that this is not an issue that the American public cares about anymore, that somehow it is the economy. Of course it is the economy, but you cannot separate what is going on within our economy from the war. We must look at this war for what it is.

First of all, it is a war that we certainly should not be in. We were misled. There were never any weapons of mass destruction. Saddam Hussein is dead. Four thousand of our American soldiers have been killed in this war. Countless Iraqis, Iraqi civilians, and others who have made up the coalition forces from other countries are also dead. And so here we are, and the pundits are talking about it is not about the war, it's not on the radar screen of the American public, that the economy is, when, in fact, our economy is in recession because of this mismanaged war.

We have a President of the United States who came in as a fiscal conservative supposedly belonging to the party of the fiscal conservatives who have been spending, spending, spending on this war in Iraq, over $500 billion on this war in Iraq, at the same time giving tax cuts to the richest 1 percent of the corporations of America and denying the dollars that we need to invest in our own domestic problems that need to be addressed.

We had a bridge fall down in Minneapolis, and people wondered why did that happen. And when we took a close look at the reviews, the assessments that had been done about the state of affairs of our bridges and our infrastructure, we learned that many of our bridges in America are in the same position that that bridge was in, and we know that they have been assessed to be dangerous, that they need repair.

Why don't we have the money to invest in our infrastructure? Why is it we cannot create the jobs by investing in our infrastructure? Why can't we repair the bridges and the roads and the highways and build credible transportation systems? It is because this administration has decided that we are going to spend a disproportionate amount of the taxpayers' dollars on this war in Iraq, and we don't know when we are going to get out of this war in Iraq. And this administration would have us believe, because they have sent more soldiers and spent more money in the so-called surge, that somehow we are winning the war. What are we winning? What does winning look like? I don't recognize it.

I know this: I know that these 4,000 soldiers that have been killed in Iraq are not with their families, that their families, many, are in disarray; many of them very patriotic, who went to war because the President said that they were needed; and many of them who are no longer with us, their families are suffering. And we have others who have been injured who have come home, and they have not gotten the best medical treatment that they should have received, even though they were promised that, if they serve, they would be taken care of.

So here we are. We have destabilized the Middle East and we have occupied Iraq. We have Iran that is threatening us, Syria, Lebanon destabilized, and Pakistan is a joke.

I will simply conclude by thanking LYNN WOOLSEY for all that she has done to try to convince this Congress we should bring our soldiers home.

DEATH IS LESS COMPLICATED THAN FILLING OUT YOUR 1040

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, it's been said over and over again that nothing in this world is certain except death and taxes. I was a practicing physician for over 25 years back in Texas, and I will tell you that sometimes death even seems a little less complicated than our tax system.

The complexity of the Tax Code is a consequence of countless deductions and exemptions aimed at steering a social agenda, a social agenda, when it's supposed to be a Tax Code. The result is a Federal law fraught with opportunities for avoiding taxes and loopholes to be exploited all at the expense of fellow Americans.

Everyone is familiar with the problems inherent in our convoluted Tax

Code. Criticizing the Tax Code is as American as apple pie and baseball, and for good reason. Each year Americans spend billions of hours and billions of dollars trying to do their best to comply with our complicated Tax Code. That's not counting the billions of hours they spend complaining about it.

Madam Speaker, time is precious, and too often we don't have enough of it for the personal things we like, such as earning a living, raising our families, spending time with friends. And then there is the dollars and cents side of this equation where time is money, and valuable resources are squandered navigating tax law instead of spent growing the economy and creating jobs. Taken together, this is a strong prescription for real change in our Tax Code.

We know what works when it comes to changing the code because we caught a glimpse of it when Ronald Reagan cut the code in half in 1986. As a result of that reform, the economy grew, revenues increased, and jobs were created. I can't think of a better prescription for our slowing economy than replicating the reform of the Tax Code on an even greater scale.

So what should we do? The prescription is also pretty simple: flatten the tax, broaden the base, and shift the burden away from families and small businesses.

The encouraging news is that we have a practical and effective blueprint for making this real change across the board. This blueprint is called the flat tax. In 1981, Robert Hall and Alvin Rabushka proposed a new and radically simple structure that would transform the Internal Revenue Service and our economy by creating a single rate of taxation for all Americans. Today, several States have implemented a single-rate tax structure for their State income taxes, and from Utah to Massachusetts citizens are seeing the benefit.

In Colorado, a single tax rate generated so much income, so much revenue, that lawmakers actually reduced the rate less than 10 years after its implementation. In Indiana, the economy boomed after a single rate went into effect in 2003, and since that time, the corporate income tax receipts have risen by 250 percent.

Here in Congress we have several people working on the problem. People such as myself; Congressman DAVID DREIER from California, the ranking member of the Rules Committee; and PAUL RYAN of Wisconsin, the ranking member on the Budget Committee, are all working to establish a simple tax rate structure for our United States. Other Members are working on it in the other body as well.

I brought a poster to show you how a faster, flatter, fairer tax structure would work, and it's pretty simple. Here you go: Your name, a little bit of identification data, write in your income, a line for personal exemptions, calculate your deductions for personal exemptions, taxable income, calculate the tax by multiplying by a flat rate, subtract taxes already withheld, and you're done. What did it take, 30 seconds? Not very long.

No more expensive tax attorney bills. Gone are the hours of stressful research trying to figure out whether your military service or your marital status will adversely affect your return. No more headaches trying to determine where the estimated tax payments go.

□ 1900

A single tax rate structure would eliminate taxes on capital gains, taxes on dividends and taxes on savings. Personal savings would increase. Businesses would expand and create jobs. Without the heavy corporate income tax, which is currently the second highest in the industrialized world, companies would have less incentive to offshore their headquarters, and more importantly, less incentive to offshore their earnings.

And here is where the all-American principle of freedom comes into the prescription: The decision to move to a single rate system would be entirely up to the individual or business, not the government. This would be an optional program. If somebody has constructed their domestic finances or their business finances to maximize earnings under the current Federal income tax code, they will be allowed to stay in the code. But if you are tired of the shoe box, if you want to fill out a single page form and spend the rest of that time with your family or on a personal vacation, you are free to do so.

A flat tax would be much less costly, saving taxpayers more than $100 billion per year, and reduce tax compliance costs by over 90 percent. The resulting increase in personal savings, there is a stimulus package that would have an immediate effect on our American economy.

Recent polling by American Solutions shows that over 80 percent of Americans favor an optional one-page tax return with one rate. After all, who could complain about making something easier, especially a process that comes at such high cost?

Madam Speaker, this is a very political year. We hear a lot of talk about change. You can't turn on the television without hearing talk about change. Let's consider how that change could improve the most complicated of institutions, the Internal Revenue Service, and more importantly, deliver prosperity and return time, return time, to the American taxpayer. That is a stimulus package worthy of everyone's vote.

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.)

HONORING THE MEMORY OF DEREK BRIAN JOHNSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 5 minutes.

Mr. DENT. Madam Speaker, I rise today to honor the memory of Derek Brian Johnson and the efforts of his father, Robert Johnson, a resident of Easton, Pennsylvania, to seek justice for his son.

Derek Brian Johnson was only 32 when he died. He worked as an Internet security manager. He enjoyed singing, skydiving and motorcycle racing. He was passionate in his support of the Make-A-Wish Foundation. He also loved music and bands. And it was this last love that ultimately cost him his life.

On February 20, 2003, nearly 5 years ago, Derek went to a club called The Station in West Warwick, Rhode Island, to hear a band called Great White. The club was jammed that night with patrons. As the show ensued, tour manager Daniel Biechele set off a pyrotechnic display that was part of the band's floor show. The display ignited the building's soundproofing foam.

The Station went up like kindling. People rushed for the exits, and panic ensued. Many were crushed as the crowd stampeded to get out of the burning building. In the end, 100 people died that night at The Station, including Derek Johnson.

Ultimately Biechele and club owners Jeffrey Derderian and Michael Derderian were charged with manslaughter as a result of the fire and ensuing deaths. And there began my constituent, Robert Johnson's, quest to find justice for his son, a search that from his point of view has not been at all fruitful.

First, there was the matter of the club itself. There were more people in the club than there should have been. The Station had no sprinkler system, which would have prevented, or at least minimized, the conflagration. And the soundproofing foam was not treated with flame retardant materials.

Second, there were the court proceedings. Biechele pled guilty to 100 counts of manslaughter. He could have gotten 10 years to serve under a plea agreement that Bob claims he did not know about. The judge gave Biechele 15 years but suspended all but 4. Michael Derderian was allowed to plead no contest to 100 counts of manslaughter pursuant to a plea agreement. He too only received 4 years to serve.

Finally, there were the parole hearings. Even though both of these men were responsible for the deaths of 100 people, the State parole board in Rhode Island has decided to release them.

I have to say that I agree with Bob Johnson when he tells me that serving less than 4 years after being found legally responsible for so much carnage hardly seems just. I commend Robert Johnson for the hard work he has put

forth to find justice for his son and for the other victims of The Station nightclub fire. I know that the memory of Derek Brian Johnson will live on in his father's heart forever, and I applaud his efforts to soldier on on behalf of a man who was taken from us all too soon.

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.)

GETTING THE NATION BACK ON TRACK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from South Carolina (Mr. BARRETT) is recognized for 60 minutes as the designee of the minority leader.

Mr. BARRETT of South Carolina. Madam Speaker, it is an honor to come tonight and talk a little about spending, talk a little bit about the budget, talk a little bit about reform, talk a little bit about entitlements, and talk a little bit about earmarks.

What we want to do, Madam Speaker, over the next hour is talk a little bit about what is going on in Washington, what is broken, what needs to be fixed and have a big-picture discussion. We can talk about line items. We can talk about things down in the weeds. But what we want to talk about tonight is a philosophical difference between the Republicans and the Democrats on how we are going to get this country, Madam Speaker, back on track.

Now the President's budget lays out critical fiscal issues that the Congress is going to have to deal with in the near future. Key among them are balancing the budget, promoting sustained economic growth, slowing the growth of Federal spending and addressing the coming entitlement crisis.

First on deficits. Last year at this time, after several years of dramatic declines in the Federal deficit, we found ourselves on what may be described as a glide path to balance in the near term. Now that path has been interrupted, mainly due to the slowdown in the economy and the stimulus package, but we will still balance the budget.

Even while addressing current challenges in the economy, the President's budget achieves balance by 2012 without raising taxes. Now let me say that again, because I think that is extremely important. The President's budget achieves balance by 2012 without raising taxes by demanding the Federal Government get in control of guess what? Spending.

The budget also achieves balance through sustainable fiscal policies that support economic growth and job creation. It maintains the tax policies that have supported the solid growth which until only recently succeeded in producing appreciably higher revenue, appreciably higher revenue, and dramatic reductions in the deficit, and we have got some charts to show you just that.

Finally, the President's budget recognizes that our Nation's challenges go well into the next few years. It takes a significant critical step towards addressing the greatest threat to our Nation's future strength and prosperity, the unsustainable growth of our largest entitlement programs.

While the President's budget doesn't fix the entitlement problem in one fell swoop, it does propose specific reforms, ones which would reduce Medicare's $34 trillion in unfunded liability by nearly a third, and that would be a tremendous step, Madam Speaker, $10 trillion, and I congratulate the President on this step.

These are issues that we can debate on how best to approach that. But to cut the unfunded liability by $10 trillion is remarkable. And if the people want to criticize the President's specific proposals for addressing that problem, that's fine. Then let's make sure they come forward with solutions on how we can fix this stuff. Don't just tell me the problem. Tell me how to fix it.

We must reform these programs so they can meet their mission of providing health and retirement security and a reliable safety net today and in the future. The administration has a proposed plan, but it is Congress who has the power of the purse strings. It is Congress who will decide the Federal budget. And it is Congress who is ultimately responsible and accountable for ensuring a sustainable path to our Nation's future.

Let me show a couple of charts to kind of substantiate what we are talking about, Madam Speaker.

The first chart. Now a lot of people have said the Bush tax cuts, let's make them permanent. Let's do away with them. When we talk about the Bush tax cuts, what are we talking about? We are not talking about the Bush tax cuts. We are talking about real things. We are talking about capital gains. We are talking about the marriage penalty. We are talking about dividends. We are talking about a death tax. A child tax credit. Things that affect everyday Americans, Madam Speaker.

Now this chart shows the best Bush tax cuts of 2001 and 2003. If you look at the red first, this shows what happened before the tax cuts, and the blue shows what happened after the tax cuts. Now my friends on the other side have always said, well, what we need to do, we need to tax the rich. We need to make sure that they are paying more than their fair share.

Let me show this. After the Bush tax cuts, the top 1 percent, their taxes actually went up. That's right. The top 10 percent, guess what? After the Bush tax cuts, their taxes actually went up. The top 50 percent, after the Bush tax cuts, guess what? Their taxes actually went up.

Now, again, the Democrats will argue, well, we need to do more for the little man, for the guy that is in the middle. Look at the bottom down here. The bottom 50 percent after the Bush tax cuts went into effect, their tax liability actually went down. So the argument that we need to tax the rich more to save the little man doesn't quite fit that chart, does it?

Let's show another one. Job creation before and after the Bush tax cuts. If you look at the red lines going south, or below the line, this is before the Bush tax cuts. Look what happened after the Bush tax cuts. Now it appears to me on this chart that job creation went up. So we have got the lower 50 percent that are actually paying less, and we are creating more jobs.

□ 1915

An interesting concept. Let me show another one.

Now, Madam Speaker, I really love this one. This is one that me being from South Carolina can truly understand. This is before the Bush tax cuts. Then, after 2003, everything was fully implemented. The line goes increasingly up. So even after the Bush tax cuts were fully implemented, revenues to the Federal Government soared through the roof.

It just proves that when you allow Americans to keep more of their hard-earned money, that they know how to spend it better than we do. They are going to buy a new truck. They are going to build a new building. They are going to hire a new employee. They are going to grow the economy. And the way you grow the economy is through the private sector and not the public sector.

Now, let's change subjects just a little bit. Spending. No matter what we do, whether it is tax policy, whether it is changes here or changes there, we have got to get spending under control. The red line assumes that my friends on the Democrat side are successful and the Bush tax cuts are going to go away. We will have higher taxes. The red line shows here that the taxes are increasing.

But look at the green line. The green line, Madam Speaker, is runaway spending, and you can't address one without addressing the other, because unless we get our fiscal house in order, none of it is worth anything.

Now, I want to read you a quote here. Comptroller General David Walker came in front of our committee and said, ''You are not going to tax your way out of this problem. You're not going to grow your way out of this problem. You are not going to do it by constraining spending. You are going to have to do a combination of all these things, and the biggest thing is going to be entitlement reform, Social Security and Medicare, health care being a much greater challenge. And

we need to start soon, because time is working against us.''

Let's look at entitlements. Now, of course, the top of it says ''mandatory spending.'' There is actually nothing mandatory about this, because Congress can change this if we need to. It is entitlement spending.

In 1995, entitlement spending was roughly about 49 percent of our Federal budget; in 2005, which, by the way, was 3 years ago, 53.4 percent of our budget. And, lo and behold, unless we do something to address entitlement spending, by 2018, it will be 63.3 percent of our budget.

Now, you look at the interest, how it has kind of stayed the same, actually gone down a little bit. But discretionary spending has gone from 36 to 29 percent. Roads, education, infrastructure, defense, things that are vital to our Nation, things that are vital to our national security, are being eroded because of this monster that we call mandatory spending.

This is the last chart I want to show. Now, again, I want to applaud the President for trying to attack entitlement spending. There is $34 trillion, as we speak, of unfunded liabilities. And what his budget proposes is an estimated $10 trillion trying to trim that off.

Now, my chairman, Chairman JOHN SPRATT from South Carolina, an honorable man, sat right in the committee and said these are draconian cuts to Medicare, to Medicaid. But, Mr. Chairman, tell me how to fix it? Let's have an open and honest debate on how to address entitlement spending, because, Madam Speaker, this is the camel that broke the straw's back literally; not the straw that broke the camel's back, but the camel that broke the straw's back.

Madam Speaker, I can go on, and I want to do that, but I have some tremendous partners here with me tonight that want to talk about spending, that want to talk about runaway spending, that want to talk about this system that, personally, I think is broken.

The first gentleman I would like to recognize is a dear friend of mine, a classmate of mine from the great State of Minnesota, Representative Colonel JOHN KLINE.

Mr. KLINE of Minnesota. I thank the gentleman.

Madam Speaker, this is a huge topic that we are talking about tonight of tremendous personal importance to every American. My dear friend and colleague from South Carolina said that we want to talk a little bit tonight about budgeting and about things that are broken in Washington and about spending and all manner of things.

You know, when we budget, whether the President sends over a budget and then Congress works its will on that budget, we are assigning priorities on how we spend taxpayer money, how the government is going to spend that money, and that ought to be a deliberative process, and it is a deliberative process. But then we throw it out the window.

We have a couple of things that I wanted to touch on tonight which break the system. One of them is a subject that has been much in the news lately, and that is porkbarrel spending, earmarks. This is a system that is completely broken in Congress and in Washington, DC.

Spending for pet projects for Members of Congress has nothing to do with an orderly, reasoned system for setting priorities on how we set spending. Decisions are made not on the merits of a proposed project. No, not at all. Decisions are made based on how long a Member has been in Congress, perhaps what committee they are assigned to, perhaps what party they are in. It has nothing to do with the merits of the project.

So we spent last year over $15 billion, that is the entire yearly budget for the State of Minnesota, $15 billion on these pet projects, and done in a way that had nothing to do with an orderly system for assigning priorities on how we spend money.

I don't think I ought to be asking the people of the Second District of Minnesota to spend money on a project for the LA fashion district. I am sorry, I just don't think that is the right set of priorities. We ought to establish those priorities through the institutional system that is here in Congress. We don't do that. We award money based on an entirely arbitrary system.

My friend, our friend, my friend from South Carolina, Mr. BARRETT, and others that are here with us tonight know that we have a friend, Congressman JEFF FLAKE from Arizona, and every time we have a spending bill he brings up six or eight or 10 or 12 examples of this porkbarrel spending and tries to shed some light on it and get a debate and give us a chance to vote on whether or not we think that is the right priority for how we spend taxpayer dollars. But do you know what? It is not a debate. It is not a debate. It is not going to have anything to do with the merits of the project.

Mr. FLAKE's amendments almost, I can only think of one exception, never pass. And why is that? Because the system is broken. Members of Congress don't want to vote against that earmark, because they are afraid that somebody will vote against their pet project. It is a broken system. We need to check it.

Is it a lot of money? Well, the entire annual budget for the State of Minnesota, we think that is a lot of money, and we ought to get that under control. And it is symptomatic of problems we have here.

Another problem that is symptomatic of a broken system is what happens after we go through the process of debating the budget, deciding on a budget, deciding on how much money we are going to spend for defense, for education, for transportation and roads, setting priorities in the way we should be setting priorities.

Then what happens? The system here in Washington, in Congress, says that we have to have a spending bill, an appropriations bill that dictates how much money we are going to spend in theory in keeping with that budget. But what happens? These bills come up. They are loaded down with this porkbarrel spending. We get to the end of the fiscal year here in Washington, which is the end of September, and we don't have these bills passed.

We get to the end of October, we get to the end of November, and suddenly there is pressure to get the spending bills passed, and the system that has been in place here for a long time is to do what? Take all of these spending bills and roll them up into one great big monstrous bill of spending which they call an omnibus. This omnibus ends up breaking every rule, every priority of spending. It is just one big, huge massive spending bill. That is part of what is broken in Washington.

Now, my friend Mr. BARRETT is talking about entitlement spending, and I am sure we have colleagues here tonight that are going to talk about that and other issues that are trillions of dollars, but we can't even get the relatively small pieces right here.

I am very pleased to say that many people in my party, in the Republican Party, have stepped up and said we have had enough of this porkbarrel spending. We need to take serious action to stop this nonsense. Some of us have said we are not going to participate, me included, until it is fixed. Many of my colleagues have done the same thing, some of them here in this room tonight. But as a party we have taken the position that we need to fix this.

I was very pleased to see that one of our Democrat colleagues today was in the paper saying no more earmarks, because the system is broken, and we welcome that sort of bipartisan support and recognition of a system that is completely, absolutely broken and needs to be fixed.

I know it is symptomatic of some bigger problems. It is not huge money, but it is big enough money that we ought to step up and fix it. And then we ought to fix these other underlying problems like this gigantic omnibus mess, because the green line that my friend showed of this increased spending has got to be brought under control. Even in the wildest dreams of our colleagues on the other side of the aisle, they can't raise taxes enough to fix that. We have to get the spending part of this equation under control.

I believe, as I know Mr. BARRETT does and some of our other colleagues here tonight, that keeping the tax burden low and allowing American families and businesses to spend money according to their priorities will keep this economy growing and tax revenues will continue to flow. We just have to get the spending side under control.

I thank my friend for yielding some time to me and letting me address a couple of the issues in this big picture that he has been trying to lay out for us tonight. I know we have other colleagues, so I yield back.

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

Madam Speaker, I guess it is a philosophical question: Who do you trust? Who do you trust? Do you trust a Federal bureaucracy that has grown and grown and grown? Or do you trust the men and women in South Carolina? Do you trust the men and women in Minnesota? Do you trust the men and women in Texas or Tennessee? Because they are the ones out there day after day busting their humps, making a living, trying to make ends meet. And all they want is a fair shake. All they want is for us to spend their money wisely.

I have never met a constituent, Madam Speaker, that didn't say ''I don't want to pay my fair share.'' But every one of them will tell you ''I don't want to pay more than my fair share.'' And it is incumbent upon us, it is incumbent upon the United States Congress, to do the right thing.

With that, Madam Speaker, there is a lovely lady in the Chamber tonight that is a budget hawk, that is a stalwart when it comes to conservatism in the House, a lady that speaks with a gentle voice but carries a big stick, and I am talking about my dear friend from Tennessee, MARSHA BLACKBURN.

Mrs. BLACKBURN. Thank you so much.

Madam Speaker, I thank the gentleman from South Carolina for yielding the time, and I thank my colleagues for taking the time to come and talk to our colleagues and also to the American people a little bit about the issue of spending.

You have the right to know how we spend your money. Madam Speaker, I think that that is something we need to think about. This is not our money. It is not the government's money. This is the taxpayers' money. And to each and every individual, each and every taxpayer who is listening, you do have a right to know how your money is being spent.

The gentleman from South Carolina spoke so well to the issues that are encapsulated in the budget process. Some of you may be wondering about that budget document. Yes, the President did get it out to us last week. You can actually download the budget document if you want to see it. It is about 2,000 pages.

You think about how small the Constitution is and how big the budget is for this one year. But at Whitehouse.gov/OMB/budget/FY2009, the fiscal year 2009 budget, you can go to that Web site and you can actually print it off and go through and search and look at it, as the gentleman said, entitlements, and the entitlements that are there, the mandatory spending, as it is called, even though it is items that just don't seem to be addressed.

□ 1930

They are put on auto pilot, if you will. And it really takes strength to get in there and address Medicare and Medicaid and Social Security and those items that have been put on auto pilot.

Are these items things that are going to continue to grow every year? Yes, indeed, they do. Do they need to be addressed? Absolutely, they need to be addressed. And the gentleman is right in that, as he was pointing out the amounts of money. And then just making a small little reduction in that spending, you have a Budget chairman who is saying, oh, my goodness, draconian cuts. We can't do that.

So it is important to keep up with actually what is in that document. And I do encourage everyone to print that out, look at it, and stay in touch with us as we continue on a regular basis to come to this floor and talk about how this body spends your money.

Now to follow the good members of the Budget Committee, the gentleman from South Carolina and a couple of Members you will hear from yet a little bit further tonight and to follow some of the process, the process of getting this budget together. The President proposes that budget. You can go to budget.house.gov/republicans, and you can follow the actions that are going to take place as we talk about spending, talk about how the limits are going to be set for the different categories in the budget, as we go through amending that budget and the House putting its mark on that budget. We are the keepers of the purse. And I invite you to follow those actions.

Those of us that are in the Republican Study Committee, which are bringing you this hour tonight and this discussion, you can follow what we are doing with the budget at house.gov/hensarling/rsc, and we encourage you to do that.

We do recognize this is your money, it is not the government's money, and you deserve information on what is happening with spending. As you have heard from the gentleman from Minnesota (Mr. KLINE), and also from South Carolina (Mr. BARRETT), you deserve that info so that you can decide if you think you are getting a good value for the tax dollars that you are sending into the Federal Government. So work through this with us, and then you make the decision as to what kind of value you think you are getting.

Now I will tell you, I am one of those that thinks the President spends too much. I have disagreed with how much he spends. I think this body spends too much. There are all sorts of good ideas that are out there. But every time there is a good idea, you have a price that has to be attached to that. And it is not only a price as to what we are spending here, but it is also the price that is paid because neither the private nor not-for-profit sector is going to fill that need or address that need if the public sector is doing it.

I think as we talk through the issue and as you are listening to the Members that will speak to you tonight, you will agree, government spends too much. As you have heard tonight, taxes are too high. The American people are overtaxed and government has overspent. The bureaucracy is bloated and the bureaucracy needs to be trimmed back. Every year they take a little more and a little more and a little more and go through this process of baseline budgeting, never going back to dollar zero like you do, like we all do with the family budget. Every year they just add on. So the bureaucracy is bloated. And in this season of a new year and new resolutions, the Federal budget is one that needs to be put on a diet. But we all know that government has an insatiable appetite for the taxpayers' money.

There are some actions that need to be taken. As you have heard tonight, you see the mandatory spending, the things that are on auto pilot approaching 60 percent of this budget. It's time to get our hands around that. We're looking forward to beginning some of that process this year, just as we've begun it every year with the budget discussion and driving that debate a little bit further to make certain that fiscal responsibility is restored to this House, to make certain that future generations of Americans have a free Nation in which they can grow up, which they can dream big dreams, where they can have great adventures and they have the confidence of knowing they have a government that is going to work well, a government that is going to be efficient and effective in the tasks that they undertake and the services they provide.

I thank the gentleman from South Carolina for yielding.

Mr. BARRETT of South Carolina. I thank the gentlelady.

Madam Speaker, I couldn't have said it any better. Mrs. BLACKBURN does a beautiful job, and we really appreciate her coming down and sharing some thoughts with us tonight.

My next speaker again is a classmate of mine, a wonderful man, the author of the Family Budget Protection Act, which was a fantastic piece of legislation, and I hope he talks a little bit about it tonight, also the chairman of the Republican Study Committee, and a dear friend, the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding. I thank him for his leadership in this body, and I thank him for his friendship.

Madam Speaker, I know of no one in this body who represents greater integrity and greater honor than the gentleman from South Carolina. His district was very wise to send him to the United States House of Representatives. I want to thank the gentlelady from Tennessee who preceded me who is one of the most dynamic Members

we have in this entire body for the clarity and persuasion of her speech, a lady who knows how challenging it is for families to be able to put food on the table, put gasoline in the car, pay for their health care expenses, and knows that ultimately it is the family budget that ends up paying for the bloated Federal budget.

Now I didn't join the Budget Committee because I enjoyed numbers. In fact, I think probably the worst grade I ever made in my life was in an accounting course at Texas A&M University many, many years ago. But I joined the Budget Committee because ultimately the budget is about priorities. And, Madam Speaker, I came to this body because I believe America needs greater freedom and greater opportunity. And you can't have more freedom and more government. You have to choose between one or the other. And sometimes, Madam Speaker, especially at a time of challenging economic times, you have got to decide which is more important, a government check or a paycheck. And right now government increasingly is taking a bite out of that family paycheck to pay for bloated Washington spending.

Well, Madam Speaker, I don't know if the American people know it, but right now the Federal Government is spending over $23,000 per American family. It is the first time since World War II that the government has spent that much money, over $23,000. Madam Speaker, I wonder how many families that are listening to this debate tonight think they are getting their $23,000 worth out of the United States Federal Government.

Now some will say government has great needs. But you know what, it's not always how much money you spend in Washington that counts, it's how you spend the money. And I want a Federal Government that does a few things well, like guards my family and the families of all Americans against radical Islamic terrorists. I want a Federal Government that can control our borders. I want a Federal Government that will provide a social safety net for those who are too old, too young, and too disabled to help themselves. But outside of that, I want people to go out and have greater freedom and greater opportunity, and have the greatest welfare system known to mankind. And when I say welfare, I mean greater education, greater housing, greater nutrition. That program is called the American free enterprise system, and it is under assault. And one of the things that is assaulting it is the Federal budget.

Now let's talk about the fight that is taking place in Congress right now, and that is a fight about whether or not Americans ought to receive a huge automatic tax increase that our friends on the other side of the aisle, Madam Speaker, the Democrats, have passed into legislation.

Right now over the next 3 years there will be a huge automatic tax increase on the American people. Now is that what this economy needs now, when people are concerned about their job losses, when they are having trouble filling up their Ford F–150 pickup trucks, when they are having trouble buying milk at the grocery store? I have a 5-year-old and a 4-year-old and they're very thirsty and they drink that milk. And it is expensive.

And so the question right now is, should there be a huge automatic tax increase on the American people? Well, Madam Speaker, the Republicans think that there shouldn't be, that we shouldn't have a huge automatic tax increase. Let me tell you what the Democrats have passed.

Right now, if we don't change this, the top tax income bracket will go to 39.6 percent, an increase of 13.1 percent. Now why is that important? We always hear, well, you know, this is the wealthy and they need to pay more taxes. Well, you know who files at this rate, Madam Speaker, is small businesses. And, guess what, you can't have capitalism without capital. I used to be a small businessman. I signed the front of a paycheck. I used to sign the back of the paycheck, but I signed the front of the paycheck and I have risked capital. So now all of a sudden the Democrats have put into law a 13.1-percent tax increase on hundreds of thousands of small businesses across our Nation at the very time when they are trying to meet their payroll. What sense does that make, Madam Speaker?

Capital gains. The capital of capitalism. Democrats want to increase taxes on that 33.3 percent. If you want to talk about something that's going to send more jobs overseas, it's increasing the tax rate on capital gains. Dividends go up 164 percent. That's right, 164 percent, under the automatic tax increases that the Democrats are going to impose on us.

The death tax. You have already paid taxes on it once. You shouldn't have to visit the undertaker and the IRS on the same day, and yet that is going to go from zero up to 55 percent, Madam Speaker.

The child tax credit is going to get cut in half. And the lowest tax bracket for the lowest wage earners in America, their taxes are going to increase 50 percent. Under the Democrat plan, Madam Speaker, it is going to go from a 10 percent bracket to a 15-percent bracket.

Now is this the recipe that our economy needs? I don't think so. I don't think so. But yet Democrats tell us, well, we need more money because we've got to do all this Washington spending. Well, if you look in the rearview mirror, Madam Speaker, you will see that over the last 10 years government has grown by about 75 percent, and yet the family budget, which has to pay for that Federal budget, has only grown 30 percent.

Now ultimately something has to give. And so again our Democrat colleagues, Madam Speaker, tell us, well, we have to raise taxes. And all those tax increases that they want to impose right when the economy is having troubles, they say, well, we've got to raise taxes to somehow balance the budget.

Well, Madam Speaker, if people would look at this chart, we don't have a taxation problem, we have a spending problem. Right now the difference between this blue line and red line is this huge massive tax increase that the Democrats want to impose upon hardworking American families, on farmers, on teachers, on small businesses. And look at how much revenue it gains you. And this, Madam Speaker, not to get into too much inside baseball, is what we call a static analysis. This assumes that raising people's taxes has no impact on economic growth. We know that's not true.

So given the Democrats' every single assumption, if they do this massive tax increase which is going to amount to roughly $3,000 per American family over the next 3 years, it doesn't get anywhere close to the green line. That's the spending line. That is the line that represents the Federal Government on automatic pilot. That is if no new programs are added, that is how much is going to be spent. And what does that represent? Don't take my word for it; take the Comptroller General's word for it, the chief fiduciary officer in the United States Government. He says that line right there represents either, number one, a doubling of taxes on our children, or it represents a Federal Government that consists of almost nothing but Medicare, Medicaid, and Social Security. And anybody in charge of counting money for the Federal Government will tell you the same thing. Where is the ethic in that? Where is the morality in that? Imposing that kind of burden on the next generation? But, no, we have so many colleagues that care about the next election and not the next generation.

□ 1945

Almost 6 years ago I got in the next generation business because I have a 5-year-old daughter and a 4-year-old son, and I care desperately about their future. So we have to do something about out-of-control spending, and yet our colleagues on the other side of the aisle, the Democrats, every single day they add a new program, completely oblivious to the cost on our children and grandchildren, the least of these, those who cannot vote and those yet to be born.

If we are to work our way out of the economic challenges we have today, much less spare our children and grandchildren a doubling of their taxation to where we would be the first generation in American history to leave the next generation with a lower standard of living, if we are going to keep our faith with our forefathers, if we are going to show fidelity to the future generations and be good stewards

of the American dream, we have to defeat these massive Democrat tax increases. We have to defeat their massive increases in spending.

Madam Speaker, it all starts with something we call earmarks, congressional earmarks. As a dear friend of mine in the Senate, TOM COBURN of Oklahoma said, ''Earmarks are the gateway drug to spending addiction.'' There are too many bridges to nowhere, there are too many indoor rainforests. There are too many teapot museums. And the American people are waking up that all too often somebody in this body has taken a bite out of their paycheck so that some Member of Congress can keep his. The system is broken.

Republicans in this body have called for an earmark moratorium. They have called for a select committee to clean up this system where the American people too often see money going into campaign contributions. Money coming in one end of Washington, DC, and they see earmarks coming out the other end. The system is broken. It has to be changed, and all the Democrats have said is no, we are not going to join you. They have gone the complete opposite direction.

I am proud to be a member of this Republican conference that is trying to clean up this earmark mess, trying to control spending and control taxation so we can get this economy going and Americans can keep their jobs and have a brighter future for themselves and their children and their grandchildren.

I thank the gentleman from South Carolina for his leadership, and thank the gentleman for yielding me this time.

Mr. BARRETT of South Carolina. Mr. HENSARLING, I thank you for being here tonight and for your hard work. Your steady leadership with the RSC is truly appreciated. We appreciate you coming down here tonight.

Madam Speaker, my next speaker tonight is a gentleman that we call our songmeister in the Members' prayer breakfast every Thursday morning, a gentleman who is dogmatic when it comes to being a true conservative, when it comes to spending constraint, and when it comes to doing what is right in the United States Congress, the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Well, thank you very much for yielding me some time here. I agree with you entirely that Congressman HENSARLING from Texas really does us proud, and we think an awful lot of his constituents for sending Mr. HENSARLING here. He is a great leader and really understands the basic principles and levers on what makes Congress work.

Mr. BARRETT from South Carolina, I appreciate your managing the time before us this evening, and your integrity and leadership, and the fact that you are pretty smart and on top of these issues. We need people like that here.

The question before us tonight, do we want tax increases or tax decreases. It is a pretty simple choice: Tax increases or tax decreases. Historically there were two guys, one guy plugging each one. One was called little Lord Keynesian economics. That is the one that said what we want to do is we want to do tax increases. If the government just spends enough money, by golly, it is just like standing inside a bucket, grabbing the handle and lifting up, and we will just float our way out of any economic problems. So the idea is government will spend a lot of money and increase taxes. That is a Keynesian approach.

The other approach was advanced a little later, after Keynes, and it was Milton Friedman. He said no, when you have your economy in trouble, you are starting to get into a recession, you want to do tax decreases. Now that might sound like a crazy idea because if you cut taxes, you think, I won't be able to pay for all of the things that government is doing. We already have a deficit, how can you cut taxes.

Well, one of the ways to take a look at which one of these ideas is a better idea is take a look at how it has worked historically. We have a long record on that, actually. You can go back to the 1920s, and Calvin Coolidge cut taxes at a time when the economy was having a hard time, and the economy surged. In fact, they gave it a name, they called it the Roaring 20s.

Next was FDR. Now FDR in his earlier years, he was in trouble politically, so he got a clever idea. He said I am going to take some Federal money and start building using Federal money in the States where I need some votes. He goes out and doubles and then triples the budget of the Federal Government. The Federal Government was only spending about 3 percent, and he took it up to 9 percent. That was the 1930s and 1940s. And, of course, the Great Depression was brought on by that extensive spending on the part of the Federal Government and the tax increases that were necessary to try to cover that.

In 1960, and this is a place where we step a little out of the political pattern. In general, Republicans have been on the side of cutting taxes. But here was a Democrat, John F. Kennedy. In 1960 he said the economy is in trouble, and we need to cut taxes. JFK did that, and we had 7 or 8 years of very strong economy.

So again, when you cut taxes, the economy surged and did better.

In the 1980s, Ronald Reagan was stuck with a very difficult economy. He did a huge tax cut. Everybody says Reaganomics, it was foolish to cut taxes, except it worked. We had a tremendously strong economy. It was that strong economy that allowed Ronald Reagan to spend money on defense and basically economically break the back of the Soviet Union, thus winning the Cold War.

Then we came back with Bush I and Clinton. They went back to the raise-taxes formula. The economy gets in trouble. Bush II comes into office in 2000, and we have a recession starting. What happens, in 2003 he does a major tax cut particularly where it was necessary to help small businesses to help invest in the economy, and now we have had about 5 years of a very strong economy because of the tax cuts.

Well, where are we today?

The Democrats today are really into the idea of tax increases. Not only have they raised billions and billions in additional spending in 2007, but they have proposed the mother of all tax increases. That does make me scared around Thanksgiving when you hear about the mother of all tax increases, a $3-plus trillion tax increase. That is going to repeal all of the Bush tax cuts.

So now you have the economy that is pretty shaky right now, and what are you going to do; you are going to slam it with massive tax increases, and that is the formula that goes right back to little Lord Keynesian that the Democrats are pushing.

The question could be asked, we are not being able to cover all of our bills, how can you talk about cutting taxes, being responsible when you talk about cutting taxes, wouldn't you have to pay all of these bills for the government. Well, here is an interesting thing, and it is one that I heard talked about but I never really quite analyzed it. I would like you to picture in your mind that you are king for the day and your job is to try to raise some money for your government to do some programs. The only thing you get to tax is a loaf of bread.

So you start to think this one out. You see this loaf of bread sitting in front of you, and you think, am I going to put a one penny tax on a loaf of bread, and you start calculating how many loaves of bread that we use in the country, and figure out what you raise. You think, why not charge $100 for taxes on a loaf of bread.

Then you think maybe no one would buy the bread then. Common sense says somewhere between a penny and $100 there is some level of tax on the loaf of bread that if you increase it, you will lose tax revenue. And if you decrease it, you will lose tax revenue. So what is going on here is that there is some optimum level of taxing, and when you go beyond it, even though you raise taxes, you are actually crashing the economy and you are not going to collect as much money because the economy is going to die.

You think about the fact in this last Bush administration people were complaining about the tax cuts and the cost of the war. The interesting thing is if you add the cost of the war in Iraq and Afghanistan and the cost of the tax cuts, they don't equal as much as what the recession was costing us in the beginning of 2000. Recessions are very expensive. So if you drive your taxes too much, the economy slows and you don't get the tax revenue. You can raise taxes as much as you want, but if

the economy is sick, you are not going to get revenue in.

So that's the logic. It is like a loaf of bread. If you tax it too much, you actually get less revenue coming into the government.

Now the thing that I find ironic about this whole thing, we have all of this history in America and we know that tax cuts are the medicine you need when you have a recession. We don't want excessive spending, and we cannot afford these huge tax cuts. And the ironic thing is that the socialistic Europeans have figured this out. We have the economists who figured it out, and yet we are not acting on the intelligence that we have. The Europeans, they figured hey, this is a good deal, we will cut taxes and our economy will grow. And so they whacked taxes 8 or 9 years ago, and their economy is going gangbusters. All of Europe asks, What did Ireland do? Oh, Ireland cut its taxes. And so good old socialistic Germany and socialistic France, they are working to cut taxes. They figured it out.

And here we are, the people who actually came up under Milton Friedman with this understanding of economics, and what are we doing, we are talking about the mother of all tax increases. This is insanity. I can't understand why the Democrats want to do this. If I were a Democrat, I would want to hand out pork and programs to people; I would want a strong economy. I would want to cut taxes so I would have more money to spend. It doesn't make sense to pass these huge, massive tax increases.

I think we could learn from history, or we could just learn from the Irish.

I certainly appreciate the gentleman from South Carolina yielding me the time to talk about this. The question is are we going to do tax increases or tax decreases? If you care about the economy and if you care about the future of our children, the answer has to be that we have to use the Milton Friedman approach and we have to get control of our spending and we have to cut our taxes.

Mr. BARRETT of South Carolina. I thank the gentleman. I can certainly tell one thing, Madam Speaker, and I know the other folks in the Chamber will agree, that the gentleman from Missouri is certainly passionate and believes in what he is talking about.

Madam Speaker, now it is an honor and a privilege to turn to one of our newer Members, but a Member who has proven himself time and time again, the gentleman from Ohio (Mr. JORDAN).

Mr. JORDAN of Ohio. I thank the gentleman from South Carolina for yielding, and appreciate this opportunity that RSC has put together to talk about taxes and spending and some of the challenges we face as a country.

We live in the greatest country in the world, but we do face some serious challenges. Obviously we face the challenge of terrorism, the threat from people who want to do our country harm and who don't believe in the great values that made us the greatest country in human history.

Also, we face another challenge, and that is the challenge of dealing with the fiscal situation that confronts us as Members of Congress. Just some numbers. The previous speaker from Missouri talked about tax issues. It is important to understand, you hear from time to time tax-and-spend politicians, it is really not that, it is really spend and tax. Spending drives the equation, and we have got to get Federal spending under control.

Just some numbers. The greatest economy in human history is the U.S. economy. It is the largest economy ever, a $14 trillion annual economy.

The second largest economy in the world is the nation of Japan, approximately $3.2 trillion.

The third largest economy, if I can use that term, is the Federal Government. We all just saw the budget that came out last week, a $3 trillion Federal budget. We have a $3 trillion annual operating budget, and we have a $9 trillion national debt. The Federal Government spends $23,000 per year per household; the top 25 percent of income earners pay 84 percent of the taxes. So when you hear these elected officials say we have to give tax cuts to the middle class, we are going to tax the rich, it is already happening. So when people talk about only taxing the rich, what they really mean is they are going to tax taxpayers. Every single family is going to pay more.

We have to get spending under control if we are going to keep taxes low so families have more of their money to spend on their goals and their dreams, their kids and their grandkids.

Last year I was proud to be part of the RSC who worked hard at lowering spending. In fact, we didn't really work to lower spending. What we said to the majority party is, let's spend what we spent last year. We offered a series of amendments. The way the process works around here is we have to have 12 appropriations bills in law by the end of our fiscal year, which is September 30.

□ 2000

So as those bills were moving through, we offered a series of amendments that said, let's spend what we spent the previous year. After all, all kinds of families, all kinds of business owners, all kinds of taxpayers in this great country have had to do that from time to time. Doesn't it make some sense for the Federal Government, where everyone instinctively knows we have waste in spending, doesn't it make sense for the Federal Government to maybe just live on what they did the previous year? But no, the majority party wouldn't do that. And they increased spending on those bills at three and four and in some cases five times the rate of inflation. And all we said was, let's just hold the line.

And the argument we got when we offered our amendments was, you know what, if we can't spend more, the world's going to end, the sky's going to fall, all kinds of terrible things are going to happen. We just can't do that. We've got to spend more.

Well, as the process unfolded, and so that the American people understand, Madam Speaker, we didn't have any one of those bills, not one single bill was enacted by September 30. And so on September 30, we had to pass what's called a continuing resolution, which is a fancy way of saying, let's live on last year's budget.

A few weeks into that, I came to this floor, same spot here, and gave a speech. I said, you know, a few months ago, a few weeks ago we had talked about the fact that we wanted to hold the line on spending and we were told that if we didn't increase spending, all kinds of bad things were going to happen; the sky was going to fall, the sun wouldn't come up.

I said, you know what? For the past 6 weeks we've been living on last year's budget and imagine this: The government's still running. The sun's still coming up; the world hasn't ended. I said, how can that be? And my rhetorical question was, You know what? If we can do it for 6 weeks, I bet we could do it for 6 months, I bet we could do it for a whole year, and save the taxpayers a lot of money and, more importantly, and maybe most importantly, begin to better position ourselves as a country to deal with the long-term problems that we know are out there.

It is important that we get spending under control because when we do, we can make sure our economy continues to grow, we can keep taxes low, and we can let families have the kind of resources they need, their resources, to spend on their goals and dreams.

The last thing I will say is this before yielding back to the gentleman from South Carolina.

The way the world works is this: The economic leader in the world is the military leader in the world. Right now that is one country, the United States of America, and that's a good thing. It is good when American leads.

You know, folks at home in Ohio, folks back home in Carolina, they get it. They understand that instinctively. I think maybe the only people who don't understand that fact is the editorial page of the New York Times.

I love the line Cal Thomas has, syndicated columnist Cal Thomas. He talks about how normal people perceive things, and how sometimes the elite national press perceives things. And he has a great line. He says, I get up every morning, I read my Bible and the New York Times so I can see what each side's up to. And there's some truth to that statement.

It's important that we lead economically. We can do that by keeping spending low and keeping taxes low. And when we do that we can be the leader of the world, which is a good thing for safety around the planet.

With that I would yield back to the gentleman. I appreciate again his putting this hour together and talking about this very important challenge that we face as a country.

Mr. BARRETT of South Carolina. I thank the gentleman from Ohio so much.

My last speaker, Madam Speaker, I don't know what to say. I mean, he's awesome. When you need somebody watching your back in a fight, the gentleman from North Carolina (Mr. MCHENRY) is the guy I want beside me. It is my pleasure to introduce him.

Mr. MCHENRY. Thank you. I appreciate your kind words, Congressman BARRETT, and I really appreciate your leadership. I know the people of South Carolina do as well. As deputy ranking Republican on the Budget Committee, he has his work cut out for him leading us on the Budget Committee.

I want to bring out just a few facts for the American people tonight, Madam Speaker. Congressman JORDAN pointed out very aptly the size of the Federal Government, just so the American people can understand what a $3 trillion government costs, what that actually means though. You say $3 trillion. What does $1 billion look like?

Well, sure, Bill Gates could tell you what $1 billion looks like. He's got that in his checkbook. But for the average American, what does that mean?

And to point out the fact that it's larger than most countries are. We have the third largest economy in the world held just in our Federal budget; greater than the whole economy of China. It's absolutely amazing.

But when we talk about boondoggles in government, folks in North Carolina know about that. Look, in western North Carolina, where I represent, in Hickory, where I'm from, Cherryville, I've got to tell you, the American people know the government's wasteful.

If you're out in the eastern part of the State like in New Bern, for instance, if you're out there, you recognize this stuff, but let's talk about a great, enormous in size and scope boondoggle that we have here in Washington, DC.

There are 111,000 bureaucrats here in Washington, DC. Some don't do much. Others are very active. But 111,000 bureaucrats. The average wage for those bureaucrats here in Washington, DC is $89,561 a year. That's amazing to me that the sheer size of that, the average wage is so high. It's enormous.

But in the Department of Education, we know that education is critical. It's especially critical in western North Carolina. We have 3,224 bureaucrats here in Washington, DC in the U.S. Department of Education. The average wage is $93,773. Now imagine that. The average teacher in America makes $47,000 a year. I would much rather take that money from the bureaucrats and put it in the hands of teachers who are actually educating children.

Madam Speaker, we have a crisis on our hands with the size and scope of government. We have to limit the size and scope of government. We have to bring the budget to balance and do it without raising taxes.

I appreciate and applaud my colleague from South Carolina for hosting this special order so we can bring out these facts to the American people, because as their family budgets tighten, so should the Federal Government's budget.

Mr. BARRETT of South Carolina. In closing, Madam Speaker, when I was working in the furniture store, my furniture store in Westminster, South Carolina, I had a guy named John R. McAllister. I called him Hoss. And Hoss would come in every Friday to see me and he'd make his payment. And it didn't matter whether I was working in the back or working on a truck or unpacking furniture, Hoss would look me up and come grab my hand and shake it and say, thank you for what you're doing. You know, Hoss McAllister probably didn't have an idea close to what I did. But I think about Hoss McAllister tonight, Madam Speaker, and all the Hosses out there that want a fair shake.

We're going to do the right thing. We're going to keep taxes low. We're going to give more money to Hoss so he can make a living.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. ELLISON). 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. Mr. Speaker, it's so good to see my friends on the Republican side talking about making sure that we help people and help the economy. And today, you know, we had a bipartisan piece of legislation that the President signed, which is good, this stimulus package. Of course all of the pieces in that package did not turn out the way everyone wanted it to turn out, but we knew that we had to get it in the hands of American people. It puts hundreds of dollars into the hands of almost 130 million Americans, disabled veterans, also seniors, who will spend these dollars immediately.

Mr. Speaker, I must also say, here in the 30-Something Working Group we talked a lot about the bipartisanship. And my good colleague, YVETTE CLARKE from the great State of New York represents Brooklyn, and was a part of that bipartisanship that we shared here on this floor.

Here in the 30-Something Working Group, we talk about how we can work together on behalf of all Americans, not just Democrats, power Democrats or power Republicans, but also independents. And I think it's important when we work together we're able to achieve goals on behalf of the American people. That's what we're looking for.

But, Ms. CLARKE, one the things that I guess, or two of the things we're going to talk about tonight, not only the President's signing the stimulus package that the House and Senate worked on in a bipartisan way, but we also have to talk about the budget a little bit tonight. I was hoping, since it's one of these cold nights in Washington, DC, that maybe we can accomplish this in a record time of being able to allow folks who, the Federal Government was delayed 2 hours today in opening, but pretty much everyone showed up at my office, and we know that folks have to get home.

But I think it's important, because so many Americans, when the tax rebate comes in, which will be a separate check, their stimulus check will come in and hopefully it will be able to help folks be able to make ends meet.

This tax credit has also offered a one-time rebate of $300 per child. I think that's very, very important for those that are eligible to be able to get that one-time rebate per child.

Also, it expands financial opportunities for Americans in danger of losing their homes because of the mortgage crisis. And as you know, Mr. Speaker and Ms. CLARKE, we have to make sure that we bring about the comprehensive reform that we need. A number of Americans are losing their homes. A lot of us back in our districts, you know, I'm going to have not only a workshop, but an ongoing working group in helping the folks in my district be able to keep their homes. That's the number one investment tool that we use when we do need money. Having that home and owning that home and having equity in that home is very, very important. Also it promotes small business investment in plants and equipment, and it helps create 500,000 jobs by the end of this year.

And I think that just looking at some of the points in this economic stimulus plan, this is a temporary fix. It's not what all of us here wanted. But on behalf of the American people and on behalf of our economy, we have to make sure that we make these ends meet.

One other thing I just want to add, and this is an AP story, Ms. CLARKE, that the President acknowledged today that the country is suffering a tough period of economic uncertainty. We're going to talk about that when we talk about the Federal budget a little later on, a couple of these charts. You know I love charts. But we're going to talk about that, this economic uncertainty and how we get there because I think it ties into what our colleagues were talking about on the other side of the aisle, talking about all and every last tax cut is a good tax cut. And some tax cuts, especially when you're borrowing the money, I mean, we've got to talk straight to the folks, Ms. CLARKE, this economic stimulus package that's going to benefit 130 million Americans, is borrowed money. Let's just go ahead and put it out there now. It's borrowed. I think it's important that we, if we're going to stop borrowing so much

money, then we have to be able to set the stage to allow Americans to see exactly what's going on, especially during the political scene. Folks have all these great proposals. Is it paid for? That's my question.

When I got here, Mr. Speaker and Ms. CLARKE, it was, we're selling the future generation. Now I can honestly say that we're selling today when we talk about some of these charts, especially with the President releasing this budget.

But with those opening statements, I yield to you, Ms. CLARKE, at this time.

Ms. CLARKE. Thank you so much, Mr. MEEK. It's great to be back here once again with the 30-Something Working Group in what I call my sophomore year of my freshman term. I wanted to just share some reflections on the economic stimulus package, because I think before we even get to the point of looking at where our economy is today, there should be a moment to pause and look back about 7 years ago when our Nation's budget was in surplus. And in such a short amount of time we've seen our economy just totally get out of kilter, get out of whack, a lot of hocus-pocus being done in the markets, particularly around subprime mortgages, in addition to the fact that there's just been a slow economic growth in some of the sectors that have traditionally provided that economic growth and boost in our economy.

But it's great to know that we all recognize the writing on the wall, and that there wasn't the type of struggle that we have seen around other pieces of legislation with regard to economic stimulus. It was bipartisan effort, and we recognized that it was important and critical that we do this timely, we do it targeted, and we make sure it's temporary because, as my colleague, Mr. MEEK, has already stated, we're borrowing this money. But we know it's important. It's important to jump-start our economy. It's on life support right now, and this is just the type of jolt that we need. It, as has been stated, gives hundreds of dollars to people who will spend it. That is the ultimate goal here is that we spend this money, that we get it back into the stream of economic growth as quickly as possible.

□ 2015

And that will be going to 130 million American families and seniors, including about 8.3 million families in my home State of New York. And what we were able to determine is that the average rebate for New York families would be about $807, putting an estimated $6.7 billion into the hands of New Yorkers, into the hands of those who really, really need it.

And I think what is so crafty about the stimulus package that the Democrats led here in our caucus was the fact that we looked at the struggle that our parents are having; that for our children there's going to be a rebate for each child in the family; that there will be an ability for us to make sure that our small businesses are able to invest in new equipment and that workers will have half a million jobs by the end of this year.

We are looking at providing relief for lower wage and part-time workers by guaranteeing at least $300 for those who are making at least $3,000 in earned income.

This is phenomenal. It's unfortunate that we have to come to these measures, but we know that this stimulus is going to be going directly to those who have suffered the most in our economic crises right now. And I think that the Democratic caucus has certainly led the way with innovation with regard to this stimulus package, and I want to commend, to the extent that I can, the folks on the other side of the aisle who saw that this was a much needed measure and did not spend a whole lot of time debating it but putting it in place, so that by May of this year, we should begin to see some of this really kick into effect across this Nation. It's extraordinary.

You know, our Democratic Party worked with our Republican counterparts in the House and the Senate and the administration to pass this quick relief to help prevent a full-fledged recession, but we didn't get everything we wanted. We really didn't just get everything we wanted. We got it done quickly.

I believe that we need to expand upon the stimulus to keep the relief coming, because even after the rebate checks come, there are people who will continue to be hurting. We need to increase funding for food stamp programs and unemployment benefits, then we need to address the infrastructure problems in our country, Mr. Speaker, including needed repair to our schools, waste water systems, transportation systems, which will also create jobs. We need to invest in affordable housing. That creates jobs. But it also creates local economic development.

Creating jobs through many different means, and the buzz word is ''green'' jobs, which is, of course, looking at renewable energies and how we really embed that into our economy, so that as we wean ourselves off of the dependency of foreign oil, we see the growth of industry across this Nation from the rural parts of our Nation to the urban parts of our Nation, like New York City, where green jobs can be a major engine for sustainable growth in our Nation.

Of course, we have looked at summer jobs, which is critical. This is a way that we can immediately impact, particularly on our young people and their families, is by giving them that opportunity for exposure to the workplace in the summer job capacity, job training for our workforce, to reorient them to a lot of the emerging industries that we have. We just need the jobs.

So we have a full plate ahead of us. Economic stimulus is just the beginning. That is just shocking the system so we can begin to put the treatments in place to repair and restructure it, and I'm really looking forward to that, because coming out of this Democratic caucus had real innovation, real forward thinking, and real focus on the needs of our people.

As has been stated, Mr. MEEK, you are struggling with the foreclosure crisis in your community. I'm struggling with it in my community where we're in the process of rolling out a series of clinics so that people will feel free to come forth and have their financial situations assessed, their mortgages assessed. Those that can be refinanced, we want to get them in the stream right away, because this is predicted to be a foreclosure phenomenon that will last a number of years.

So we want to try to head it off at the pass for those who may be struggling today. And this economic stimulus package can at least put some funds into the stream by helping homeowners who are struggling with their mortgages and who are in danger of losing their homes.

So I'm excited about the fact that the President signed the package today and that we can get the wheels of the bureaucracy moving to get this stimulus into the stream, into our communities, into the hands of our families as quickly as possible. It's really an important measure, and I look forward to seeing it implemented in each of our communities.

Mr. MEEK of Florida. Well, let me just say, I think it's important that you talk about our stimulus package, talk about the realities of the stimulus package, this bipartisan package. And I think it's important that everyone pay very close attention to not only what we are saying but what we must do. This is a perfect example of how we worked in a bipartisan way. And I have always said bipartisanship is only allowed when the majority allows it to happen. And how we came off of the recess, came back here to Washington, DC, to respond to the crisis that's facing the country. It is not over. It is a temporary fix. You have a Band-Aid box. This is one of the medium-size Band-Aids in the box. It is not one of the big Band-Aids that's there.

I think it's important, and you gave the numbers out, on what happens in New York. But we have 8.3 million households on average that will receive $819 for those that are eligible for this stimulus package. And, Mr. Speaker, it was targeted towards the working families and seniors and those that fall under certain thresholds that we will be talking about in further detail here on the floor when we can talk about the stimulus package and talk about some of the benefits, especially for some of the working Americans who are trying to figure things out.

A lot of the folks, they like to sit down at their dining room table and kind of work this whole piece out on their taxes. Everyone doesn't go into

what you may call an H&R Block or something like that to get their taxes done. Some folks sit right there at the dining room table and try to work it out themselves.

So I think it's very important that it's really no secret when we provide tax incentives for rebates for small businesses so that they can grow, and also when we provide those rebates for those families that are eligible, especially the tax child credit, because a lot of folks miss out on that. They're not paying attention to what is going on. And even sometimes individuals that are preparing your taxes, you have to kind of know something when you sit down at that table.

There are Americans in all parties and those that are nonaffiliated parties and those who have not even started voting yet, there are a number of people that you sit down with your tax person, you don't want to sit there with your mouth hung open not necessarily knowing what is going on. You need to know a little bit about what is happening. It is almost like walking into a car lot. You want to know something about the Blue Book value of the car. You want to know the sticker price. You want to know list. You want to know all of those things so that you will have at least some level of knowledge and edge on what is happening.

So many Americans leave money on the table, and I think, Ms. CLARKE, I have asked some of my staff members to get with the Ways and Means staff to talk about how much money is left on the table every year that Americans are eligible for, working Americans are eligible for, small businesses are eligible for that they're not aware of.

So they sign that tax document, not the person that's preparing. I mean, they do, too, but ultimately, the taxpayer has to sign it. And you are responsible for what is on it and what comes back to you, if you have anything that's coming back.

Ms. CLARKE. What I found interesting was our commitment to small business in the stimulus package. I think that too often small business is overlooked and forsaken for the big, megacorporate folks who are always getting the tax breaks. But this stimulus package also takes into account our small business, our ''mom and pop,'' our emerging new start-ups and other organizations in our communities.

The plan will double the amount small businesses can immediately write off their taxes for capital investments made in 2008 from $125,000 to $250,000, and for purchases of new equipment up to $800,000 from $500,000. And that's significant because with the cost rising for materials, and there is a rising cost for oil, and people don't recognize what the rising cost in oil alone does to small business, particularly for those who have to have their goods or their services trucked or shipped. All of that goes into the bottom line of someone who is trying to operate a small operation. It also provides immediate tax relief for all businesses to invest into new plants and equipment by speeding up the depreciation provisions so that firms can write off an additional 50 percent off of investments purchased in 2008. That is extraordinary.

That is extraordinary because, again, because small business is really saddled with the weight of an economy that has been skyrocketing, particularly with the cost of oil and with the cost of doing business overall just escalating each and every year.

And we expect that there will be about $7.5 billion sent out to small business and small business investments over the next 10 years, close to $44 billion in 2008 alone.

So we have looked at every sector of our economy that may be struggling as a result of the sluggishness of the economy at this time, and a recession in some areas; some folks would say even depression in others. But for our businesses, it's important that we provide that buffer so that they're enabled to continue to grow, notwithstanding the challenges that they're facing right now.

So we have covered many bases with this stimulus package. We have covered both the home and the family as well as the small business environment of our communities. And I hope that, as you've said, everyone will take advantage of the rebates and the incentives that have been built into this stimulus package because we are counting on you to spend it out there. It's important. We want to make sure that we can provide the life support to our economy that's required so we don't fall in any deeper into economic crisis.

And this is just the opening salvo. We have a lot more to work out for our communities, for our Nation with regard to sustainable job development and job growth, and I'm looking forward to that part of the conversation, because we are in the 21st century here. We've got the talent, the expertise. We've got the ability out there. We have to be able to make sure that we drive the process of economic growth right here starting from the Hill.

Mr. MEEK of Florida. Mr. Speaker, I always enjoy when the two of us, Ms. CLARKE and I, are on the floor because I like that New York-Florida thing going on, and I tell a lot of folks, Mr. Speaker, whenever I'm in New York, I will always smile at New Yorkers because I think eventually they're going to be my constituents one day in Florida. But it's always good to work with Ms. CLARKE who is a public servant and who has served in the local government and where the rubber meets the road as it relates to that.

Mr. Speaker, as we start to talk about the budget, I want the Members to have the information that I am providing and Ms. CLARKE is providing here on the floor. And all of this information can be found on-line on www.majorityleader.gov. It is a budget clearinghouse that's there. Everything that we show here on the floor will be eligible on www.majorityleader.gov. And they will be able to pull this information down. And I think it's important to share and have transparency as we look at this budget. I think the success of the 30-Something Working Group that we have had over the years is that we've shared the good, bad, and ugly as it relates to not only budgets, but also to initiatives that we are trying to push through Congress.

But like I said, just 2 weeks ago we were talking about holding the line on bipartisanship and making sure the stimulus package passed, and I'm glad we were able to do it and we can all stand under one flag.

I'm going to try to kind of zip through these charts real quick because I know Ms. CLARKE and I have some back-and-forth to do in discussing this budget and what it means, but I just want to frame the debate here.

□ 2030

As you look at this dramatic deterioration in the budget picture, you have to look at the deficit in the billions. These numbers you see are in the billions. The last Clinton administration, when you look at after President Clinton left office, there was a $1.28 billion surplus that's there. You can see that right after President Bush took office, we automatically started deficit spending. This chart is not a chart that was put together by me independently. This is what the Office of Management and Budget has put forth. These are the numbers from the Office of Management and Budget that is overseen by the President's administration, and so these are their numbers.

When you're looking at $158 billion in 02 deficit; $378 billion in '03; $413 billion in '04; and in '05, $318 billion; '06, $248 billion, '07, $162 billion; and here we are in '08, for the FY09 budget, the President is looking to carry us to $110 billion. And then following in '09, $107 billion. This is his proposed budget.

Now let's just talk about this one chart just for a second. I just wanted to shed some light, and then we will move to the next one very quickly.

It's important that Americans understand what we're talking about. So when you hear folks on the floor start talking about tax cuts for the very wealthy and those who did not ask for tax cuts and saying that has to stay alive to be able to help our economy, I want you to reflect back to this chart here. This chart can be seen on majorityleader.gov.

Ms. CLARKE, I know you're familiar with this chart. This chart has been an ongoing chart in the 30-Something Working Group. We talk about President Bush more than doubles the foreign-held debt. It took 42 Presidents 224 years to build up $1 trillion of foreign-held debt. What do we mean by foreign-

held debt? This means that foreign countries like China, OPEC, oil-producing countries, this means that Taiwan, this means that Japan, this means that India, this means that countries that we may have issues with, Argentina, a number of countries, they have bought our debt and we borrow money from them.

What does this mean? Forty-two Presidents, $1.01 trillion, 224 years of history in the country, from 1776–2000; 7 years of George W. Bush, some of it is with a rubber-stamp Congress until recently, until the American people spoke in the last election, and we're looking at $1.33 trillion in foreign-owned debt.

What does this mean for the country? I can tell you exactly what it means. It means that countries now look at America in a totally different light. It's almost like you having a friend, Ms. CLARKE, and you borrowing some money. If I was to come to you and say, goodness, Ms. CLARKE, YVETTE, can I borrow $20? Okay. But you see me 3 weeks from now and on your mind, right here in the center of your forehead, you're thinking about that $20. You're thinking if I am ever going to pay you that money again. So, now my influence as it relates to being a ''Member of Congress'' has been altered a little bit because you're now judging my ability to handle my own finances. We make the same money and all that kind of stuff, and you're saying, why does he have to borrow $20, and, better yet, has no real will or desire to pay me back? So that's where we are right now as it relates to the country. I think that people need to pay very close attention to that chart. And that was just updated in December of last year.

What's left out of Bush's budget? The cost of the war beyond 2009. I think that's very, very important because when you look at this cost of the war, it is not included, and budget analysts have said that it will be $489 billion over the next 5 years. But then again, the President says he is going to balance it very soon.

The AMT, which is alternative minimum tax reform, beyond 2008 is not there. That means that those middle-class families that you're not even recognizing in the President's budget, the spending policy details and beyond of 09 as relates to discretionary is not there. So it's kind of like saying we're going to balance the budget, but we're going to leave major ingredients out to be able to balance it and show how we're going to do it.

The President may only have one more year in office, but the responsibility as chief executive officer goes beyond that to be able to set the stage. What you want to do when you come into a job or you're leaving a job, just for anyone, if you're leaving a job, what do you do? You get everything in order for the next person to come in and to be able to have something to work with when he or she gets there. I think that it's important that the President does that. You're talking about the chief executive of the United States of America.

So look at what he was left with, a $128 billion surplus. And look what he is proposing to leave for the next woman or man to take office. So he had a very ideal situation. And now I'm not blaming this on the President, I'm just saying the Republican majority that we're trying to work with to get out of it now proposing to leave for the next woman or man that deficit.

So when we look at the President's proposed deep cuts and key priorities, I want to make sure that every law enforcement officer, which I used to be a State trooper, Ms. CLARKE and Members, when you look at the COPS program, that's the Community Oriented Police, these are your bicycle patrol, these are your individuals that prevent crime, don't show up after it's done, but prevent it, and provide other alternatives to youth so that they don't get into trouble. The President cuts that 100 percent. And so when you look at that in the 08 budget, and what we fought for here, we started out with $587 million, I think it's important that everyone understands that that has been cut 100 percent.

Weatherization, and this is important in Ms. CLARKE's area especially. This is the home heating and all the things that our seniors and financially challenged folk need, 100 percent cut. When you look at Department of Homeland Security, State first responder grants, 78 percent cut. First responders, police officers, pay attention to what I'm saying because I want to make sure when folks around here are ho-humming and talking about, well, you know, I'm in support of the present situation as it relates to the White House, I want you to pay attention. This is not my budget. This is the President's budget that I'm talking about here that is not reflecting the priorities of the American people.

The EPA clean-up for water grants, 21 percent cut. When we look at community development block grants, these grants build fire stations, they build community centers that allow local government to be able to do something with Federal dollars for the betterment of their community, a 20 percent cut. And the Low-Income Home Energy Assistance Program, which is again for those that are financially challenged in the country, they're receiving these deep cuts.

I'm coming in for a landing here and I know, Ms. CLARKE, you're going to take it home for me. What Bush inherited and what Bush is leaving behind. I started to tee that up, and that's a golf term, before I got to this chart. A record $1.6 trillion surplus. $400 billion annual deficits. You've got to look at it from this standpoint, and this is available from that Web site I gave you. On track to pay down all publicly held debt when he came in. Exploiting debt burden, short term, so that folks can understand what's going on. The strongest economy in three decades. Economic slowing down sharply, on comparisons. When you look at a robust job growth, and then also when you look at what Bush is leaving for the next person, the weakest job growth since the Hoover administration.

I think when you look at this, I am teeing this thing up, and the way I'm trying to line it up, and Ms. CLARKE is going to share with us, also, is the fact that the only way we can bring about change is in a bipartisan way that Democrats and Republicans work together and do what we did in the economic stimulus plan. Everyone didn't get what they wanted, but the American people are going to be the short-term winners of being able to receive those dollars and being able to make ends meet. And it was an emergency situation. But I think as it relates to our fiscal situation, that is an emergency. And I think it is something that so many folks should be able to pay attention to.

The costs that weren't there, as I turn it over to Ms. CLARKE, the $187 million that was left out of the President's budget. Also alternative minimum tax costs not included, some $408 billion over the next 5 years. The costs for the war not included, $489 billion over the next 5 years.

Again, all of this information is on majorityleader.gov ''budget clearing house'' for you to see this information, Democrat, Republican, individuals that are concerned about what's going on here in Washington.

Ms. CLARKE.

Ms. CLARKE. Mr. MEEK, I think you're being too kind. We have to put this where this is. The President released his last budget, and this budget is devastating. It's a Republican budget that plunges our country deeper into debt, a debt that we will pass onto our children, our grandchildren, and maybe even our great-grandchildren if we don't turn this situation around and turn it around quickly.

In the area of health care alone, the types of cuts in Medicare and Medicaid for our seniors and to low-income Americans, it's unconscionable. Again, we're facing a crisis in health care. And what are we seeing? Cuts. Cuts to the SCHIP program that are almost $20 billion over the next 5 years. After all we've done to try to expand the program for all eligible children, the National Institutes of Health funding frozen just as we're about to have some breakthroughs in research around Alzheimer's disease and Parkinson's disease and cancer and other diseases that we're desperately looking for treatment and cure for. I mean, in the area of education, and this is supposed to be the leave-no-child-behind administration, we see that the budget totally eliminates crucial programs that provide to the States for technology in classrooms. It eliminates vocational education programs altogether. It completely eliminates the supplemental

educational opportunity grants, Perkins loan programs. I mean, our commitment to the development of our Nation has to include a robust educational system.

We are in competition with nations from around the world. And in other nations they're cranking out their engineers and their scientists by the hundreds. We're struggling to keep up. We're struggling to be competitive. This Republican budget does nothing to aid in our cause to go forward in a robust manner. It reduces the funding for after-school programs by over 26 percent.

These are the areas where our communities, our States across this Nation need the support systems in place now that we have a 21st century society where parents are working, where they're not going to be there necessarily all the time at 3 o'clock to pick up their children from school. This is that period of time where all law enforcement agencies will tell you that children get into trouble between 3 and 6 o'clock. Here we see this Republican budget does not take into account the realities of the lives of the constituents that we present. So we're going to have to bring that to the table and make sure that is a part of the conversation as we move forward to shape what has been presented to us, which is really something that is devastating to our Nation at this time.

Homeland security. Now this is an area that really hits home for me. Coming from New York City, knowing what has gone into just building out a new bureaucracy to address our concerns for safety and for real protection of our homeland, to hear after all that our first responders have done to really bring themselves up to speed to be able to meet the needs of their jurisdictions, to then have the Federal Government renege on its commitment to them is a shame and it's a sham. To cut assistance to firefighters where local fire departments have needed equipment to keep our communities safe is unconscionable, totally unconscionable. For example, in New York State where New York City's FDNY are considered national heroes, almost $32 million have been cut in funding. Where do they get that money from? Where are these departments around this Nation going to be able to make up for the shortfall of the commitment made to them by our national leader? Unbelievable.

Cuts to homeland security grant programs, which funds every State based on risk by $750 million, that's an ounce of prevention there, and we see it being pulled away.

□ 2045

The important Urban Area Security Initiative, UASI, homeland security funding received an increase of only $5 million, which is not even enough to keep up with inflation. So what are we talking about here?

I often hear my colleagues on the other side of the aisle and their concern about border protection. Well, this is it folks. And it's the other side of the aisle that has turned the other way in addressing the priorities through this budget. Cuts to port security, critical transportation infrastructure, targeted infrastructure protection grants programs, and other important homeland security programs, right before our very eyes. And one of the areas that I would have thought we would have really just taken a little time to get fixed up, the Office of Appeals of Redress, which was totally left out of the budget, this department is the department that is responsible for enabling us to travel across this Nation. And for those who have, unfortunately, been put on the terrorist watch list, this is the area where just a little bit of funding would have made the difference between how we are currently conducting business that has shown a low value for our civil liberties and really bringing our processes up to date to meet the needs of real Americans.

So it's devastating. This budget is not reflective of the needs that Americans have been talking about, are concerned about, and it's unfortunate. But it's my hope that we will push, we will move, we will negotiate so that we can get some of this turned around in time for it to make a difference in our lives.

Just think about cuts to child care development block grants, when so many parents now need that extra assistance to be able to make sure that their families are well taken care of as they earn income to keep up with the cost of living. The Low Income Home Energy Assistance Program, as my colleague Mr. MEEK talked about, this is critical in the northeast region where energy costs are skyrocketing and we're seeing some of the worst record winters in my lifetime, perhaps in many folks' lifetime, and not only here but in the Midwest and up the whole northern seacoast.

Social services block grants, these have been the areas where our communities have been just sort of held together by a safety net. It continues to be cuts.

And then of all places, veterans' health care. We talk so much about our concern and our gratitude to veterans particularly in this time of war, and it is just so hypocritical to see the type of budget cuts that are taking place in terms of health care services for our wounded warriors. This is unbelievable.

The Republican budget also assumes that the alternative minimum tax is not fixed. This assumes a significant increase in taxes for over 21 million Americans after 2009, 21 million Americans, and enacting a permanent fix to prevent this tax from taking effect will cost about $313 billion over the next 5 years, and it is something that we as Democrats are committed to doing. Yet nothing, we receive nothing in this budget that indicates that we are gearing up to address this very important issue for working-class Americans.

The Republican budget does not contain accurate numbers for the cost of the Iraq War, as has been stated by my colleague Mr. MEEK, and the administration requested $70 billion, but the average monthly cost of the war is over $10 billion a month. That means that the true cost of the war will be upwards of at least a baseline of $120 billion next year.

So as you can see, we have a real dilemma. The dilemma is do we accept the last budget of Mr. Bush, the Republican budget, which continues to plunge our country deeper and deeper into debt, or do we, as we have in the Democratic caucus, continue to push, to organize, to negotiate, to make sure that the needs of all Americans are attended to in this upcoming budget? It's a mammoth task, but I believe, Mr. MEEK, we are up to it. It is critical that we do this. We have to get on good ground going forward. I mean, it's going to take a lot to get us out of this deficit.

First of all, we are going to have to bring an end to this war in Iraq because that's unfettered spending. That's unfettered spending. But, simultaneously, we need to really set priorities for the American people. And that priority has to be demonstrated in the budget that we pass here. It has to be demonstrated in the way in which we fund the critical areas of our growth and our development as a Nation. And, believe me, this budget falls far short of that.

It's time for folks to get their act together. This Republican budget plunges this country deeper into debt. We cannot afford that. We must become much more sober about our work here and recognize that in order for us to grow, we have to make sure our educational system is sound, our health care system is sound, and certainly make sure that our homeland is protected. And based on what we have received thus far, the Republican budget falls extremely short of that, and that is totally unacceptable.

So, Mr. MEEK, I know that our time together here is winding down. I just wanted to say that this is a very important time for this House. And as we look at our priorities going forward, the stimulus package gave us a window into where we are right now, and that is we are in an economic crisis. And anyone who can't see the writing on the wall is walking around with blinders on. When you compound the economic distress that we are in with a budget that doesn't account for hundreds of billions of dollars that can be spent at a moment's notice, particularly in the misadventure in Iraq, and neglects to build the infrastructure of the Nation, areas of education where we become competitive, our talent is cultivated and developed, providing the support systems for working families like child care support, being able to make sure that we are healthy enough as Americans to continue to do the job and being productive, these areas are very important and crucial areas for us to move this Nation in the 21st century.

I think President Bush has thrown up his hands. This was his last budget. This was the best that he could do. And, unfortunately, it fell too short.

I want to thank you, my colleague, for sharing this time. I look forward to participating with you further in the future.

And I want to thank you, Mr. Speaker, for giving me this time during the 30-Something Working Group.

Mr. MEEK of Florida. Ms. CLARKE, you are a proud member of the 30-Something Working Group.

And, Mr. Speaker, as I mention a lot on the floor, we just don't come to the floor and say, hey, let's go to the floor and talk to our colleagues, let's give a floor speech. Actually, there are is number of meetings that take place in gathering this information to make sure that it is factual. And I think the reason why we are a solid tree in the forest, the 30-Something Working Group, on both sides of the aisle and dealing with the executive branch is that we do our homework. We don't just come to the floor to say things that we think sound good. It's actually something backed up by fact, not fiction. And I think it's important. If we were to play more in the fact versus fiction arena, I think we would get a lot more done here in Washington, DC.

Some of the things that we talked about in the stimulus package, just to recap, are things that are not there. There were some unemployment issues that folks wanted in there. There were some infrastructure issues and putting Americans to work, need it be building bridges or building roads or what have, to put Americans to work.

Also, there was a great discussion about green collar jobs. When you talk about green collar jobs, a lot of folks hear that out in the political world, but I don't think people really break it down to what it really means. And those jobs where we can reduce energy costs in many of our communities. For instance, if you have a flat or an angled roof, trying to put sod on the top, seal it off and put sod on the top to bring that heating and also cooling cost down, that will be a green collar job. That won't be an overseas job. That will be a job where someone could have dropped out of high school or graduated from high school, those that went on and received a 4-year education, those who went on to a master's, doctorate's, architect's, all of these folks will be employed through those kinds of efforts.

We have had an economy, Mr. Speaker and Ms. CLARKE, that has been really based on borrowing, when you think about it. The economy has been set towards your taking out that second mortgage to keep the economy going, cutting interest rates to encourage more borrowing. Back in the old school not too far along, I remember when folks wouldn't buy a car unless they could pay for it. Now it's just common to say what's that interest rate, or is this the rebate I get back from the company? And then now I'm all into this thing for 5 or 6 years, and in some instances for some Americans so they can have transportation to move their kids around and make it to their job, 9 years. I have some constituents that are out there for 9 years on a car loan. So it's a serious situation, and it is something that is an accepted practice now.

When you have a home, of course, getting a loan, you know you will get some equity. Hopefully, that value will go up. But because of the economy, because of the slowdown in the housing market, values are not going up on homes. So some people are losing, and that's the reason why we have this whole mortgage piece. Folks got excited again with subprime mortgages, getting people into homes that they couldn't afford, and we are in this situation on a borrowed economy. So I think it's important to be able to break that, to be able to have an economy based on jobs, not borrowing.

And that's the reason why it's important that folks pay very close attention on whom they elect to be the next President of the United States, that they pay very close attention to those they have already elected to be able to govern here in this House and in the Senate, because you shouldn't forestall this off to January of next year when the next President, he or she, raises their hand on the west side of the Capitol and swear to uphold the Constitution of the United States. We know that the President sets forth the budget. We know we also have a say here in the House. The Senate has a say. We should exercise that.

I think, Ms. CLARKE, your presentation was right on target. And I'm glad you said that I was being kind, because I am glad that Brooklyn is represented once again, making sure that people know what they need to know.

With that, Mr. Speaker, we're going to continue to work on this issue of the budget. We want to come back and get into further detail as it relates to incentives that are out there for small businesses and also for families that are eligible for rebates, working families, and also continue to shed light on the Bush tax cuts that are out there. I think it's important that people pay very close attention. How did we get to those recordbreaking deficits, giving people tax breaks that they didn't ask for. And that is not turning over into the economy, because if it was turning over into the economy, we would not have had to pass a stimulus package. We wouldn't be on the floor talking about some of the issues that we are facing right now.

So we are about solutions. That's why we come to the floor this time of night, with the Democratic majority that's willing to work in a bipartisan way with the Republican minority to be able to do what's best on behalf of the American people.

With that, Mr. Speaker, we would like to encourage the Members, if they have any comments or anyone has any comments based on the presentation tonight, to e-mail us at 30SomethingDems@mail.house.gov.

With that, Mr. Speaker, it was an honor addressing the House once again.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ORTIZ (at the request of Mr. HOYER) for today on account of business in the district.

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. COHEN) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. PRICE of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. TIM MURPHY of Pennsylvania, for 5 minutes, February 14.

Mr. PRICE of Georgia, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on February 12, 2008 she presented to the President of the United States, for his approval, the following bill.

H.R. 3541. To amend the 'Do-not-call' Implementation Act to eliminate the automatic removal of telephone numbers registered on the Federal 'do-not-call' registry.

ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock p.m.), the House adjourned until tomorrow, Thursday, February 14, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5321. A letter from the Secretary, Department of the Treasury, transmitting a six month periodic report on the national emergency with respect to Liberia that was declared in Executive Order 13348 of July 22, 2004, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

5322. A letter from the Secretary, Department of the Treasury, transmitting a six

month periodic report on the national emergency with respect to Cote d'Ivoire that was declared in Executive Order 13396 of February 7, 2006, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

5323. A letter from the Secretary, Department of the Treasury, transmitting a six month periodic report on the national emergency with respect to Lebanon that was declared in Executive Order 13441 of August 1, 2007, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

5324. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

5325. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting the Agency's reports containing the 30 September 2007 status of loans and guarantees issued under Section 25(a)(11) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5326. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting a report in accordance with Section 25(a)(6) of the Arms Export Control Act (AECA), describing and analyzing services performed during FY 2007 by full-time USG employees who are performing services for which reimbursement is provided under Section 21(a) or Section 43(b) of the AECA; to the Committee on Foreign Affairs.

5327. A letter from the U.S. Global AIDS Coordinator, Department of State, transmitting the report entitled, ''The Power of Partnerships,'' the Fourth Annual Report of the President's Emergency Plan for AIDS Relief, pursuant to Public Law 108-25, section 301; to the Committee on Foreign Affairs.

5328. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-281, ''Non-Resident Taxi Drivers Registration Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5329. A letter from the Executive Director, Christopher Columbus Fellowship Foundation, transmitting pursuant to the Accountability of Tax Dollars Act, the Foundation's Form and Content Reports/Financial Statements for the First Quarter of FY 2008 ended December 31, 2007, as prepared by the U.S. General Services Administration; to the Committee on Oversight and Government Reform.

5330. A letter from the Secretary, Department of Education, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's Report to Congress on FY 2007 Competitive Sourcing Efforts; to the Committee on Oversight and Government Reform.

5331. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5332. A letter from the Secretary, Department of Labor, transmitting the Department's Performance and Accountability Report Highlights 2007; to the Committee on Oversight and Government Reform.

5333. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5334. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's report entitled ''Annual Report to Congress on Implementation of Public Law 106-107''; to the Committee on Oversight and Government Reform.

5335. A letter from the Comptroller General, Government Accountability Office, transmitting the Office's Performance and Accountability Highlights for Fiscal Year 2007; to the Committee on Oversight and Government Reform.

5336. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's Fiscal Year 2009 Performance Budget, in accordance with the Government Performance and Results Act of 1993; to the Committee on Oversight and Government Reform.

5337. A letter from the Director, Office of Government Ethics, transmitting the Office's FY 2007 Annual Federal Information Security Management Act and Privacy Management Report, pursuant to 44 U.S.C. 3544(c); to the Committee on Oversight and Government Reform.

5338. A letter from the Acting Controller, Office of Management and Budget, transmitting the 2007 Federal Financial Management Report as required by the Chief Financial Officers (CFO) Act of 1990, marking the 15th report submitted by the Office of Management and Budget (OMB) on the government-wide status of financial management; to the Committee on Oversight and Government Reform.

5339. A letter from the Secretary, Postal Regulatory Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5340. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eclipse Aviation Corporation Model EA500 Airplanes [Docket No. FAA-2007-0247; Directorate Identifier 2007-CE-083-AD; Amendment 39-15278; AD 2007-24-12] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5341. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100B SUD, 747-200B, 747-300, 747-400, and 747-400D Series Airplanes [Docket No. FAA-2007-0194; Directorate Identifier 2007-NM-306-AD; Amendment 39-15266; AD 2007-23-18] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5342. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; CFM International, S.A. CFM56-5C4/1 Series Turbofan Engines [Docket No. FAA-2007-0108; Directorate Identifier 2001-NE-15-AD; Amendment 39-15270; AD 2007-24-04] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5343. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Model 206A and 206B Helicopters [Docket No. FAA-2007-0176; Directorate Identifier 2007-SW-14-AD; Amendment 39-15263; AD 2007-23-17] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5344. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. FAA-2007-0211; Directorate Identifier 2007-NM-221-AD; Amendment 39-15268; AD 2007-24-02] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5345. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Limited Model 206A, 206B, 206L, 206L-1, 206L-3, 206L-4, 222, 222B, 222U, 230, 407, 427, and 430 Helicopters [Docket No. FAA-2007-0179; Directorate Identifier 2007-SW-36-AD; Amendment 39-15264; AD 2007-19-52] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5346. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company, Model 525B Airplanes [Docket No. FAA-2007-0198; Directorate Identifier 2007-CE-085-AD; Amendment 39-15262; AD 2007-23-16] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5347. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Diamond Aircraft Industries Model DA 42 Airplanes [Docket No. FAA-2007-28955 Directorate Identifier 2007-CE-067-AD; Amendment 39-15260; AD 2007-23-14] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5348. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aeromot-Industria Mecanico Metalurgica Ltda. Model AMT-100/200/200S/300 Gliders [Docket No. FAA-2007-28844 Directorate Identifier 2007-CE-066-AD; Amendment 39-15261; AD 2007-23-15] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5349. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron, Inc. Model 204B, 205A, 205A-1, 205B, 210, 212, 412, 412EP, and 412CF Helicopters [Docket No. FAA-2007-0180; Directorate Identifier 2007-SW-37-AD; Amendment 39-15265; AD 2007-19-53] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5350. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200, A330-300, A340-200, A340-300, A340-500, and A340-600 Series Airplanes [Docket No. FAA-2007-0076; Directorate Identifier 2007-NM-241-AD; Amendment 39-15246; AD 2007-22-10] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5351. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification that the Department intends to use FY 2008 IMET funds for the enclosed list of countries, pursuant to Public Law 110-161; jointly to the Committees on Foreign Affairs and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2, of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. SLAUGHTER: Committee on rules. House Resolution 982. Resolution providing for the adoption of the resolution (H. Res. 979) recommending that the House of Representatives find Harriet Miers and Joshua

Bolten, Chief of Staff, White House, in contempt of Congress for refusal to comply with subpoenas duly issued by the Committee on the Judiciary and for the adoption of the resolution (H. Res. 980) authorizing the Committee on the Judiciary to initiate or intervene in judicial proceedings to enforce certain subpoenas (Rept. 110–526). Referred to the House Calendar.

Mr. ARCURI: Committee on Rules. House Resolution 983. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on rules and providing for consideration of motions to suspend the rules (Rept. 110–527). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FRANK of Massachusetts (for himself, Mr. YOUNG of Alaska, Mr. TIERNEY, Mr. GILCHREST, Mr. DELAHUNT, Mr. KENNEDY, and Mr. ALLEN):

H.R. 5404. A bill to amend the Public Health Service Act to establish a Federal grant program to provide increased health care coverage to and access for uninsured and underinsured workers and families in the commercial fishing industry, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KIRK (for himself and Mr. ROSKAM):

H.R. 5405. A bill to protect seniors from identity theft and strengthen our national security by providing for the issuance of a secure Social Security card; to the Committee on Ways and Means.

By Mr. SULLIVAN:

H.R. 5406. A bill to suspend temporarily the duty on over-the-range microwaves; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 5407. A bill to suspend temporarily the duty on certain wooden wall plates; to the Committee on Ways and Means.

By Mr. BISHOP of Georgia:

H.R. 5408. A bill to extend the temporary suspension of duty on Paraquat dichloride (1,1'dimethyl-4,4'-bipyridinium dichloride); to the Committee on Ways and Means.

By Mr. BISHOP of Georgia:

H.R. 5409. A bill to extend the temporary suspension of duty on 4-(trifluoromethyl)-benzaldehyde; to the Committee on Ways and Means.

By Mr. BISHOP of Georgia:

H.R. 5410. A bill to extend the temporary suspension of duty on 3-oxido-5-oxo-4-propionylcyclohex-3-enecarboxylic acid calcium salt; to the Committee on Ways and Means.

By Mr. BISHOP of Georgia:

H.R. 5411. A bill to extend the temporary suspension of duty on Methyl (E)-methoxyimino-2(2-o-tolyloxymethyl) phenyl) acetate (kresoxim methyl); to the Committee on Ways and Means.

By Mr. BISHOP of Georgia:

H.R. 5412. A bill to suspend temporarily the duty on 4-[3-(4-chlorophenyl)-3-(3,4-dimethoxyphenyl)-1-oxo-2-propen yl]morpholine; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 5413. A bill to suspend temporarily the duty on Thionyl chloride; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 5414. A bill to suspend temporarily the duty on Phosphorus Thiochloride; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 5415. A bill to suspend temporarily the duty on Sodium Methylate; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 5416. A bill to suspend temporarily the duty on Spiroxamine; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 5417. A bill to extend the temporary suspension of duty on Permethrin; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 5418. A bill to extend the temporary suspension of duty on 2-Chloro benzyl chloride; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 5419. A bill to suspend temporarily the duty on product mixtures containing Imidacloprid: 1-(6-Chloro-3-pyridinyl)methyl-N-nitroimidazolidin-2-ylidene amine Z9: (9Z)-9-Tricosene; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 5420. A bill to extend the temporary suspension of duty on Resmethrin; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 5421. A bill to extend the temporary suspension of duty on N-3[3-(1-methylethoxy)phenyl]-2-(trifluoromethyl)benzamide; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 5422. A bill to extend the temporary suspension of duty on mixtures containing methyl 2-(4,5-dihydro-4-methyl-5-oxo-3-propoxy-1H-1,2,4-triazol-1-y l)carboxamidosulfonylbenzoate; sodium (4,5-dihydro-4-methyl-5-oxo-3-propoxy-1H-1,2,4-triazol-1-ylc arbonyl)(2-methoxycarbonylphenylsulfonyl)azanide & methyl 4-iodo-2-[3-(4-methoxy-6-methy; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 5423. A bill to extend and modify the suspension of duty on polyisobutylene; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 5424. A bill to prohibit the charging of any fee for admission to any permanent exhibit in any museum or facility of the Smithsonian Institution; to the Committee on House Administration.

By Mr. PALLONE (for himself, Mr. FRANK of Massachusetts, Mr. JONES of North Carolina, Mr. KENNEDY, Mr. LOBIONDO, Mr. ANDREWS, Mr. BROWN of South Carolina, and Mr. LAMPSON):

H.R. 5425. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to extend the authorized time period for rebuilding of certain overfished fisheries, and for other purposes; to the Committee on Natural Resources.

By Mr. PASCRELL (for himself and Mr. LEWIS of Kentucky):

H.R. 5426. A bill to amend title XVIII of the Social Security Act to increase the per resident payment floor for direct graduate medical education payments under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 5427. A bill to provide that no tax or fee may be imposed on certain coins and bullion; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. TAUSCHER:

H.R. 5428. A bill to direct the Commandant of the Coast Guard to issue regulations requiring pilots of certain vessels to carry and utilize a portable electronic device equipped for navigational purposes, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. YOUNG of Alaska:

H.R. 5429. A bill to amend the Marine Mammal Protection Act of 1972 to authorize appropriations for marine mammal cooperative management agreements in Alaska, and for other purposes; to the Committee on Natural Resources.

By Mr. ELLISON:

H.R. 5430. A bill to suspend temporarily the duty on certain porous hollow fibers; to the Committee on Ways and Means.

By Mr. ELLISON:

H.R. 5431. A bill to suspend temporarily the duty on certain cellular plastic sheets for use in filters; to the Committee on Ways and Means.

By Mr. ELLISON:

H.R. 5432. A bill to suspend temporarily the duty on certain plastic mesh for use in filters; to the Committee on Ways and Means.

By Mr. ELLISON:

H.R. 5433. A bill to suspend temporarily the duty on certain plastic fittings; to the Committee on Ways and Means.

By Mr. HENSARLING:

H.R. 5434. A bill to protect innocent Americans from violent crime in national parks; to the Committee on Natural Resources.

By Ms. SOLIS (for herself, Mr. RODRIGUEZ, and Mrs. CAPPS):

H.R. 5435. A bill to address the digital television transition in border states; to the Committee on Energy and Commerce.

By Mr. HOYER:

H. Con. Res. 293. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mr. ABERCROMBIE (for himself, Mr. PAUL, Mr. BRADY of Pennsylvania, and Mrs. DRAKE):

H. Con. Res. 294. Concurrent resolution expressing the sense of Congress that the Secretary of Defense take immediate steps to appoint doctors of chiropractic as commissioned officers in the Armed Forces; to the Committee on Armed Services.

By Mr. BILIRAKIS:

H. Con. Res. 295. Concurrent resolution expressing the deepest appreciation of Congress to the families of members of the United States Armed Forces; to the Committee on Armed Services.

By Mr. BOOZMAN (for himself, Mr. SNYDER, Mr. ROSS, and Mr. BERRY):

H. Con. Res. 296. Concurrent resolution expressing support for the designation of August 2008 as ''National Heat Stroke Awareness Month'' to raise awareness and encourage prevention of heat stroke; to the Committee on Energy and Commerce.

By Mr. CONYERS:

H. Res. 979. A resolution recommending that the House of Representatives find Harriet Miers and Joshua Bolten, Chief of Staff, White House, in contempt of Congress for refusal to comply with subpoenas duly issued by the Committee on the Judiciary; to the Committee on the Judiciary.

By Mr. CONYERS:

H. Res. 980. A resolution authorizing the Committee on the Judiciary to initiate or intervene in judicial procedings to enforce certain subpoenas; to the Committee on Rules.

By Ms. BALDWIN (for herself and Mr. SESSIONS):

H. Res. 981. A resolution recognizing March 6, 2008, as the first-ever World Glaucoma Day, established to increase awareness of glaucoma, which is the second leading cause of preventable blindness in the United States

and worldwide; to the Committee on Energy and Commerce.

By Ms. GIFFORDS (for herself, Mr. BURGESS, Mrs. CUBIN, Mr. CUELLAR, Mr. HALL of Texas, Mr. HUNTER, Mr. DANIEL E. LUNGREN of California, Mr. REHBERG, Mr. RODRIGUEZ, Mr. SALAZAR, Mr. SESSIONS, and Mr. MITCHELL):

H. Res. 984. A resolution expressing support for the designation of July 26, 2008 as ''National Day of the Cowboy''; to the Committee on Oversight and Government Reform.

By Mr. TERRY:

H. Res. 985. A resolution expressing support for the designation of March 7 as National Information and Referral Services Day; to the Committee on Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. RANGEL introduced a bill (H.R. 5436) for the relief of Kadiatou Diallo, Sankerala Diallo, Ibrahima Diallo, Abdoul Diallo, Mamadou Bobo Diallo, and Mamadou Pathe Diallo; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 82: Mr. CHABOT.
H.R. 136: Mr. GOODE.
H.R. 260: Mr. GOHMERT.
H.R. 303: Mr. COHEN.
H.R. 368: Mr. ALEXANDER and Mr. KELLER.
H.R. 506: Ms. SOLIS.
H.R. 555: Mr. DAVIS of Illinois.
H.R. 618: Mr. RYAN of Wisconsin.
H.R. 643: Mr. KLEIN of Florida.
H.R. 690: Mr. KIND.
H.R. 706: Mr. MCGOVERN, Ms. HARMAN, Mr. MCNERNEY, Mr. COSTA, Ms. ROYBAL-ALLARD, Mrs. BONO Mack, Ms. LORETTA SANCHEZ of California, and Ms. Richardson.
H.R. 715: Mr. NEAL of Massachusetts.
H.R. 849: Mr. GOODE.
H.R. 850: Mr. GOODE.
H.R. 871: Mr. TOWNS.
H.R. 971: Mr. WITTMAN of Virginia.
H.R. 1014: Mr. HOLT.
H.R. 1076: Mr. HALL of Texas.
H.R. 1078: Mr. MARKEY.
H.R. 1306: Mr. ALTMIRE.
H.R. 1359: Mr. BROUN of Georgia.
H.R. 1363: Mr. JOHNSON of Georgia.
H.R. 1436: Mr. SAXTON.
H.R. 1439: Mr. WALDEN of Oregon.
H.R. 1537: Mr. ELLSWORTH.
H.R. 1539: Mr. MARCHANT.
H.R. 1576: Ms. GIFFORDS, Ms. ROS-LEHTINEN, and Ms. ESHOO.
H.R. 1643: Mr. GALLEGLY.
H.R. 1644: Mr. RAHALL and Mr. HERSETH SANDLIN.
H.R. 1653: Ms. DELAURO and Mr. JOHNSON of Georgia.
H.R. 1665: Ms. SHEA-PORTER.
H.R. 1767: Mr. AKIN and Mr. GRAVES.
H.R. 1783: Mr. MARKEY and Mr. ROSS.
H.R. 1890: Mr. ROSS and Mr. GENE GREEN of Texas.
H.R. 2040: Mr. LEWIS of Kentucky, Mrs. BLACKBURN, Mr. RYAN of Wisconsin, Mrs. BONO MACK, Mr. EHLERS, Mr. PEARCE, Mr. DEAL of Georgia, Mr. WELDON of Florida, Mr. STEARNS, Mr. FOSSELLA, Mr. ROHRABACHER, Mr. DANIEL E. LUNGREN of California, Mrs. BACHMANN, Mr. GOODLATTE, Mr. BOUSTANY, Mr. ALEXANDER, Mr. CRENSHAW, Mr. YOUNG of Florida, Mr. EVERETT, and Mrs. DAVIS of California.
H.R. 2091: Mr. SOUDER, Mr. CAMP of Michigan, and Mr. SCOTT of Georgia.
H.R. 2131: Mr. FERGUSON.
H.R. 2232: Mr. DOYLE.
H.R. 2303: Mr. MAHONEY of Florida, Mr. MACK, Mr. EDWARDS, Mr. BROWN of South Carolina, and Mr. HONDA.
H.R. 2325: Mr. NEUGEBAUER.
H.R. 2392: Ms. SUTTON.
H.R. 2458: Ms. GIFFORDS.
H.R. 2503: Ms. DEGETTE.
H.R. 2564: Mr. FEENEY.
H.R. 2593: Ms. ESHOO.
H.R. 2702: Mr. BARTLETT of Maryland.
H.R. 2708: Ms. HIRONO.
H.R. 2744: Ms. RICHARDSON, Mr. MCINTYRE, and Mrs. BIGGERT.
H.R. 2820: Mr. MEEK of Florida.
H.R. 2923: Mr. YOUNG of Florida.
H.R. 2991: Ms. HARMAN, Mr. BOSWELL, Ms. SCHAKOWSKY, Mr. PASCRELL, and Mr. SALAZAR.
H.R. 3005: Mr. THOMPSON of Mississippi, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mr. SCOTT of Virginia, Mr. LEWIS of Georgia, Ms. JACKSON-LEE of Texas, Mr. MEEKS of New York, Mr. BISHOP of Georgia, and Mr. MEEK of Florida.
H.R. 3008: Mr. FILNER.
H.R. 3014: Mr. BLUMENAUER.
H.R. 3049: Mr. JONES of North Carolina.
H.R. 3088: Mrs. DRAKE.
H.R. 3197: Mr. COURTNEY.
H.R. 3282: Mr. YOUNG of Florida and Mr. SHAYS.
H.R. 3303: Mr. PETRI.
H.R. 3453: Mr. WALZ of Minnesota, Mr. FRANK of Massachusetts, and Mrs. DAVIS of California.
H.R. 3457: Mr. SENSENBRENNER.
H.R. 3563: Mr. CLAY.
H.R. 3616: Mr. WILSON of Ohio.
H.R. 3642: Mr. SCOTT of Virginia.
H.R. 3652: Mr. WATT.
H.R. 3654: Mrs. MYRICK, Mr. PITTS, and Mr. WITTMAN of Virginia.
H.R. 3674: Mr. SHAYS and Mr. COURTNEY.
H.R. 3697: Mr. CUELLAR and Mr. HILL.
H.R. 3822: Mr. WALZ of Minnesota.
H.R. 3980: Mr. FARR.
H.R. 4008: Ms. MCCOLLUM of Minnesota, Mr. SESSIONS, Mr. KUHL of New York, Mrs. TAUSCHER, Mr. SIRES, Mr. ARCURI, Mr. MARCHANT, and Mr. ACKERMAN.
H.R. 4061: Mr. CAMPBELL of California and Mr. BAIRD.
H.R. 4091: Mr. RYAN of Ohio.
H.R. 4099: Mr. NUNES.
H.R. 4105: Ms. WASSERMAN SCHULTZ and Mr. WELDON of Florida.
H.R. 4116: Mr. WALBERG, Mr. WHITFIELD of Kentucky, Mr. LOBIONDO, and Mr. PASTOR.
H.R. 4129: Ms. SCHAKOWSKY.
H.R. 4173: Mr. MURPHY of Connecticut and Mr. MCDERMOTT.
H.R. 4188: Mr. GONZALEZ.
H.R. 4196: Mr. GRIJALVA.
H.R. 4296: Mrs. GILLIBRAND.
H.R. 4355: Mr. MCCARTHY of California and Mr. ARCURI.
H.R. 4449: Mr. HOLT.
H.R. 4450: Mr. SCOTT of Virginia and Mr. COHEN.
H.R. 4611: Ms. ESHOO.
H.R. 4749: Mr. SALI.
H.R. 4838: Mr. BLUMENAUER and Ms. MCCOLLUM of Minnesota.
H.R. 4852: Ms. FOXX, Mr. GARRETT of New Jersey, Mr. BROUN of Georgia, Mr. ALEXANDER, and Mr. DONNELLY.
H.R. 4935: Mr. SESSIONS, Mr. WELDON of Florida, and Mr. ALTMIRE.
H.R. 5056: Mr. BLUMENAUER.
H.R. 5058: Mr. GRIJALVA.
H.R. 5109: Mr. WITTMAN of Virginia, Mr. CHABOT, Mr. BOOZMAN, and Mr. ROYCE.
H.R. 5152: Mr. GALLEGLY and Mr. SHIMKUS.
H.R. 5161: Mr. GINGREY.
H.R. 5173: Ms. HOOLEY.
H.R. 5178: Ms. BERKLEY and Mr. COHEN.
H.R. 5179: Mr. HINCHEY and Mr. PASTOR.
H.R. 5232: Mrs. BLACKBURN, Mrs. DRAKE, and Mr. CULBERSON.
H.R. 5233: Mrs. MYRICK.
H.R. 5236: Mr. SHULER and Mr. BERRY.
H.R. 5244: Mr. ACKERMAN, Mr. MCGOVERN, Mr. HALL of New York, Mr. FILNER, Mr. MCNULTY, Mr. GRIJALVA, Mr. PAYNE, Mr. MCDERMOTT, and Mr. REYES.
H.R. 5268: Mrs. MCCARTHY of New York.
H.R. 5400: Ms. PRYCE of Ohio, Mrs. SCHMIDT, Mr. REGULA, and Mr. SPACE.
H.J. Res. 1: Mr. LAMBORN.
H.J. Res. 12: Mr. RAHALL.
H.J. Res. 67: Mr. KING of Iowa and Mr. BARTLETT of Maryland.
H. Con. Res. 223: Ms. BORDALLO and Mr. DAVIS of Illinois.
H. Con. Res. 244: Mr. BAIRD and Mr. CAPUANO.
H. Con. Res. 263: Mr. UPTON.
H. Con. Res. 285: Mr. COSTELLO and Mr. PATRICK MURPHY of Pennsylvania.
H. Con. Res. 289: Mr. BACA, Mr. BUTTERFIELD, and Mr. HONDA.
H. Res. 49: Mr. GENE GREEN of Texas.
H. Res. 259: Mr. SCHIFF, and Mr. KILDEE.
H. Res. 543: Mr. WOLF.
H. Res. 711: Mr. MCGOVERN.
H. Res. 753: Mr. PETERSON of Pennsylvania.
H. Res. 820: Mr. GRIJALVA.
H. Res. 892: Mr. WHITFIELD of Kentucky, Mr. ANDREWS, Mr. BARROW, Mr. MARSHALL, Mr. MELANCON, Mr. BERRY, Ms. MATSUI, Mr. HOBSON, Mr. LARSEN of Washington, Mr. COOPER, Mr. SHULER, Mr. SPACE, Mr. PATRICK MURPHY of Pennsylvania, Mr. CARNEY, Mr. SESTAK, Mr. PALLONE, Mr. SIRES, Mr. BOUSTANY, Ms. HIRONO, Mrs. GILLIBRAND, Mr. SALAZAR, Mr. GRIJALVA, Mr. KLEIN of Florida, Mr. COURTNEY, Ms. ESHOO, Ms. KAPTUR, Ms. SUTTON, Mr. VAN HOLLEN, Mr. ISRAEL, Mr. HILL, Mr. LINCOLN DAVIS of Tennessee, Mrs. JONES of Ohio, Mr. MATHESON, Mr. GONZALEZ, Mr. HARE, Ms. RICHARDSON, Mr. MURPHY of Pennsylvania, Mr. KAGEN, Mr. JORDAN, Mr. MITCHELL, Mr. GOODE, Mr. RODRIGUEZ, Mr. LOEBSACK, Ms. CASTOR, Mr. HODES, Mr. ELLSWORTH, Mr. ROSS, Mr. TANNER, Ms. BALDWIN, Mr. COSTELLO, Ms. WASSERMAN SCHULTZ, Mr. DONNELLY, Mr. ARCURI, Mr. RYAN of Ohio, Mr. SCOTT of Virginia, and Mr. TIM WILSON of South Carolina.
H. Res. 924: Mr. ARCURI.
H. Res. 937: Mr. DONNELLY, Mr. PASTOR, and Mr. GOODE.
H. Res. 945: Mr. SCOTT of Georgia.
H. Res. 951: Mr. BONNER, Mr. CARTER, Mr. DAVIS of Kentucky, Mr. GOODE, Mr. HELLER, Mr. JORDAN, Mrs. MALONEY of New York, Mr. PEARCE, Mr. MAHONEY of Florida, Mr. SALI, Mr. WILSON of South Carolina, and Mr. YOUNG of Florida.
H. Res. 953: Mr. LATOURETTE, Mrs. MYRICK, Mr. YOUNG of Florida, and Mr. SAXTON.
H. Res. 958: Mr. WITTMAN of Virginia, Mr. AKIN, Mr. BLUNT, Mr. PENCE, Mr. GOODE, Mr. MARCHANT, Mr. GINGREY, Mrs. BACHMANN, Mr. HERGER, Mr. YOUNG of Florida, and Mr. GARRETT of New Jersey.

H. Res. 959: Mr. PITTS, Mr. MARCHANT, Mr. WALBERG, Mr. SAM JOHNSON of Texas, Mrs. MYRICK, Mr. KLINE of Minnesota, Mr. FRANKS of Arizona, Mr. CHABOT, Mr. CONAWAY, Mr. PRICE of Georgia, Mr. BILBRAY, Mr. KING of Iowa, Mr. LAMBORN, Mr. BARRETT of South Carolina, Mr. CAMPBELL of California, Mr. DAVID DAVIS of Tennessee, Mr. BRADY of Texas, Mr. HERGER, Mrs. BLACKBURN, Mr. GINGREY, and Mrs. BACHMANN.

H. Res. 962: Ms. MATSUI, Mr. BERMAN, and Mr. COSTA.

H. Res. 968: Ms. GIFFORDS, Mr. ISRAEL, Mr. BARTLETT of Maryland, and Mr. ROHRABACHER.

H. Res. 972: Ms. RICHARDSON, Ms. DEGETTE, Ms. TSONGAS, Mr. GORDON, Mr. KANJORSKI, Ms. ESHOO, and Ms. KILPATRICK.

H. Res. 977: Mr. PATRICK MURPHY of Pennsylvania, Mr. CAPUANO, and Mr. KILDEE.

H. Res. 978: Mr. HINOJOSA.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, WEDNESDAY, FEBRUARY 13, 2008 No. 24

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable BERNARD SANDERS, a Senator from the State of Vermont.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, creator and sustainer of life, no good thing have You withheld from the children of humanity.

Lead our Senators today along productive paths. Teach them to give up the things that really don't matter: an opinion of their personal infallibility; a devotion to the trivial; a penchant for the petty; a tendency to equate their own well-being with the ongoing of the universe. Remind them that if they merely do what they please, they shall not be pleased with what they do. Give them grace to take up the cross of sacrificial service with the goal of pleasing You.

We pray in the Redeemer's Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BERNARD SANDERS led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 13, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BERNARD SANDERS, a Senator from the State of Vermont, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. SANDERS 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, following my remarks and those of the Republican leader, there will be a period for the transaction of morning business, with 1 hour equally divided, prior to a cloture vote on the conference report to accompany H.R. 2082, the Intelligence Authorization Act for 2008.

ORDER OF PROCEDURE

On the majority side, I ask that the time of 30 minutes be divided, with 15 minutes for Senator FEINSTEIN, 10 minutes for Senator ROCKEFELLER, and 5 minutes for Senator WYDEN.

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

FOREIGN INTELLIGENCE SURVEILLANCE ACT EXTENSION

Mr. REID. Mr. President, this morning the statement was made by the President in the Oval Office that he will refuse to sign a temporary extension of the current FISA law. This is a statement from the person who wants to unite, not divide. This is part of the Orwellian-speak we have had for 7 years out of the White House.

Let's be very clear. President Bush, obviously, is more interested in politicizing intelligence than finding solutions to the problems we are facing in this difficult situation. Today, he continues to try to bully Congress. Let's not forget that we would not even be discussing this issue if not for his actions.

What were some of those actions? In their unyielding efforts to expand Presidential powers, President Bush and Vice President CHENEY created a system to conduct wiretapping, eavesdropping—including on American citizens—outside the bounds of longstanding Federal law. The President could easily have come to us and said: Let's change this law, and we would have gone along with probably little effort. But, no, he did not do that. He just went around the law, and when we passed the law to try to change it, he went around that too.

Congress has repeatedly amended the Foreign Intelligence Surveillance Act to reflect new technology and the legitimate needs of the intelligence community. We have done that often and for good reason. But, whether out of convenience, incompetence, or disdain for the rule of law, this administration chose to ignore Congress and basically ignored the law, ignored the Constitution.

Congress is working updates to the FISA law as we speak. Senate Republicans and the White House have spent many weeks slow-walking the bill as part of the Republican strategy to jam the House. We have known that, we have talked about it, and they did a good job because we were not able to pass this bill until last night. I believe it is wrong and irresponsible for the White House to do this. Due to months of White House foot-dragging, the relevant House committees have only now just gotten important documents related to whether the Bush administration followed the law and the Constitution. I cannot speak about those documents on the floor, but people need time to review and analyze these documents. It is not four or five pages. So we must not let this critical issue be

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

Printed on recycled paper.

resolved by the White House trying to push everybody around.

Let's work together on this issue. We are all working for the same goal: to protect American citizens against acts of terror. Congress is prepared to extend current law, the Protect America Act, by any length for Congress to complete the indepth analysis and negotiations necessary for long-term law broadly supported by the American people. If the President chooses to veto a short-term extension, as he said he would this morning, the responsibility for any ensuing intelligence-collecting gap lies on his shoulders and that of Vice President CHENEY and theirs alone, no one else.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

FOREIGN INTELLIGENCE SURVEILLANCE ACT

Mr. MCCONNELL. Mr. President, with regard to the Foreign Intelligence Surveillance Act, it passed in the Senate yesterday 68 to 29—an overwhelming bipartisan ratification of the Rockefeller-Bond bipartisan compromise to get us a permanent Foreign Intelligence Surveillance Act in place. There were a number of efforts to weaken the bill on the floor of the Senate. They were all defeated on a bipartisan basis. Most of them were defeated by a margin of 2 to 1.

Over in the House, we have heard from 21 Democratic Members, the ''Blue Dogs,'' who say the House ought to take up this overwhelmingly bipartisan Senate bill and pass it and send it to the President for his signature.

We had an important bipartisan victory just last week on the stimulus package. We have an opportunity to do it again this week on this extraordinarily important piece of legislation.

In thinking about how long we have been dealing with this legislation, we passed a short-term extension back in August. We have had 6 months to figure out what we wanted to do. We passed extremely important legislation—probably the most important piece of legislation we will pass this Congress—yesterday on an overwhelming bipartisan vote. The House of Representatives surely has followed what we have done. There is a bipartisan majority in the House of Representatives for what we did yesterday in the Senate. We know that. There is a bipartisan majority in the House of Representatives to take up and pass the Senate-passed bill in the House of Representatives now. That is what we know. That is what I hope will be done. The House will have an opportunity over the next couple of days to make its decision. But I think the President has correctly assessed the situation and decided we have had ample time to deal with this legislation, to find out how we felt about it, to vote on it, to make whatever changes people thought were appropriate. And we know there is a bipartisan majority in the House waiting to pass it. I hope they will be given that opportunity later this week.

HONORING OUR ARMED FORCES

MASTER SERGEANT CLINTON W. CUBERT

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a brave soldier from Kentucky who was lost in the performance of his duty. On September 11, 2005—4 years after the brutal attacks that compelled our Nation to fight the war on terror that we still fight today—MSG Clinton W. Cubert was on combat patrol in Samarra in Iraq. An improvised explosive device set by terrorists exploded under his humvee.

Master Sergeant Cubert, of Lawrenceburg, KY, sustained mortal injuries in the blast. He survived to be transported to the Lexington Veterans Affairs Medical Center in Lexington, KY, and was reunited with his family. He passed away on Easter Sunday, April 16, 2006, at the age of 38.

For his valor during service, Master Sergeant Cubert received numerous medals and awards, including the Meritorious Service Medal, the Bronze Star Medal, and the Purple Heart Medal.

Born in Texas, Clinton Cubert moved to Lawrenceburg with his family at an early age. His parents, C.D. and Virginia Cubert, raised a boy who loved the outdoors. As a child, Clinton enjoyed deer hunting, boating, fishing, or just about anything that took him outside.

Clinton enjoyed country music, especially Hank Williams, Jr. He drove what family members kindly called ''beat-up'' Ford trucks and liked to get under the hood and tinker with them to keep them running until they couldn't go anymore.

Family members called him ''Clinton,'' but he also earned an unusual nickname. Because Clinton was willing to trade his entire lunch for the one food he loved so much, his friends called him ''Cornbread.''

Clinton met Amy, his wife, in Lawrenceburg when they were both in their early twenties. Amy thought Clinton looked very handsome in his uniform. Clinton and Amy raised two wonderful young women, Alisha Danielle and Sarah Dawn.

Clinton enlisted in the National Guard in 1987 and went on to serve with distinction for nearly 19 years. Normally he worked in the Combined Support Maintenance Shop at the Guard's headquarters in Frankfurt, KY, the State capital. Then, in January 2005, he was deployed in support of Operation Iraqi Freedom. Assigned to the 2113th Transportation Company, he became platoon leader of that unit's newly created 4th Platoon.

For Clinton's commanding officer, CPT William Serie, Clinton was his first and most obvious choice. ''[Master Sergeant Cubert] was the most dedicated in making sure his soldiers were trained, equipped and ready,'' he says. ''People use the word 'dedicated' and 'outstanding' and things of that nature, but I don't think those words really express what he did for us. He was truly a person that was outside the mold.''

In Iraq, Master Sergeant Cubert trained with 30 members of his platoon in combat tactics so that the units they protected in transit would arrive at their destinations safely. Captain Serie tells us that Clinton was innovative in devising new ways for soldiers to do their jobs more safely and efficiently.

''I believe that God puts special people in our lives to show us what we are capable of,'' Captain Serie says. ''Clinton was that type of leader.''

When Clinton was injured, the Army contacted Amy, and she flew to Germany to see her husband. Younger daughter Sarah was the first to answer the phone. At the age of 12, she wrote an essay for school about the terrible day her family received the news. ''I was looking in the mirror thinking all questions,'' Sarah wrote. ''Like the obvious ones—why us? Why now? But also the ones that are only thought by a daughter—who is going to walk me down the aisle? Who is going to give me hugs like him? Who is going to dress me up in camouflage flannels and take me hunting?''

We grieve today along with the Cubert family for their loss. Clinton leaves behind his wife Amy; his daughters, Alisha and Sarah; his sisters, Linda Lou Martin, Nancy Marie Robinson, Julie Ann Dent, and Peggy Ann Cubert; his brother Steven Wayne Cubert, and many other beloved family members and friends. Clinton was predeceased by his parents, C.D. and Virginia Cubert.

Clinton was taken from his loved ones before his time, but it must have been a blessing for them that he was able to come home and say goodbye. I am sure they will treasure forever every moment spent with Clinton. ''No one will forget his laughter,'' wrote his daughter Sarah, ''like the boom of gunshots during the funeral or the bagpipes playing Taps.''

This Senate will not forget MSG Clinton Cubert's bravery and service. Kentucky and the Nation are richer for his contributions to freedom's cause.

I yield the floor, Mr. President.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, in brief response to the distinguished Republican leader's remarks about the FISA extension, I acknowledge the bill passed yesterday. I voted against it, and I voted against cloture on the bill, but it was a bipartisan passage. I understand that. I don't dispute that. I saw what the numbers were. The bill was changed a little as it came from the committee, but it passed. It was bipartisan. I recognize that.

But the efforts made to extend this should be bipartisan. The House is going to do what they do, and they are going to send us a piece of legislation. They have not had time—I have spoken to the Speaker, and she has not had time, through her committees, for them to come up with the necessary work to have a conference that is meaningful because they are not ready for that. So they are going to send us a message and we are going to have to act on that.

If we pass it, it will not be what the President wants. If we have a little more time, the House, which has been working recently with the White House quite well on the stimulus package and other things, maybe could work something out. But you can't create something out of nothing, and that is what the President wants. He is looking for an excuse to wave his banner of ''be afraid, terror.'' That is what he and the Vice President have done.

We understand the law is important. We believe it should be extended for a short period of time. If it is not extended, it is not the fault of the Congress, it is the fault of Bush and CHENEY. We are doing everything we can to work this out. If it doesn't pass in the manner he wants, and it won't in the next few days—he wants total immunity for these phone companies that have cooperated or haven't cooperated with him, whatever the evidence shows. So I repeat, if we don't get an extension, the law will lapse. It is not the fault of the Congress, it is the fault of the White House.

Mr. President, I think we should announce what we are going to be doing here today.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for 1 hour, with the time equally divided.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Mr. President, it is my understanding that I have reserved time, 15 minutes, to speak in morning business.

The ACTING PRESIDENT pro tempore. That is correct.

Mrs. FEINSTEIN. I thank the Chair.

CIA INTERROGATIONS AND ARMY FIELD MANUAL

Mrs. FEINSTEIN. Mr. President, yesterday was a big day before the Senate. We had the Foreign Intelligence Surveillance Act bill. Today is an even bigger day because the intelligence authorization bill is going to be before the Senate, and today we will grapple with something that I think should be major in our consciousness and major in our deliberations. It is central to who we are as a nation. The question is whether the United States should continue to go to the ''dark side,'' down the road of torture, and continue to allow the CIA and other intelligence agencies to practice or outsource state-sanctioned torture. To me, the answer is clear, and I hope it is to everyone. The answer should be no.

Today we are living in a legal limbo, where the rules are shrouded by ambiguity. The time has come to change this once and for all. The way to do it is to support the fiscal year 2008 intelligence authorization bill, which would prohibit all interrogation techniques by the CIA and place the intelligence community under the uniform standard of the Army Field Manual. If that bill passes, and it has passed the House of Representatives, if it passes here today, we have a uniform standard for the entire American Government with respect to coercive interrogation techniques.

The Army Field Manual, which looks like this, has 19 interrogation protocols. They are proven, they are flexible, and they are effective. The CIA interrogation program, on the other hand, I believe, is immoral, illegal, sometimes ineffective, and often counterproductive. I wish to simply read something which appeared in the newspapers, and what this says is:

> The book on interrogation has been written. We just need to follow it.

And they refer to this book, Mr. President.

> Cruel and inhuman and degrading treatment of prisoners under American control makes us less safe, violates our Nation's values, and damages America's reputation in the world. That is why, in 2004, the bipartisan 9/11 Commission called for humane treatment of those captured by the United States Government and our allies in the struggle against terrorism. Congress and the Pentagon responded with clear and comprehensive new rules for the military so that interrogation techniques practiced by the military today are both humane and effective. But not all United States agencies are following these rules. Congress should require the entire U.S. Government and those acting on its behalf to follow the Army Field Manual on Human Intelligence Collector Operations. Doing so will make us safer while safeguarding our cherished values and our vital national interests.

This was signed by Zbigniew Brzezinski, Warren Christopher, Lawrence Eagleburger, Slade Gorton, Lee Hamilton, Gary Hart, Rita Houser, Karla Hills, Thomas Kean, Anthony Lake, John Lehman, Richard Leon, Robert McFarlane, Donald McHenry, Sam Nunn, Thomas Pickering, Ted Sorensen, and John Whitehead. It is a bipartisan group that has come out with this, and I believe we should absorb it and use that information.

The Army Field Manual provision has the support of the Intelligence Committees. I offered the amendment in the conference between the House and the Senate on the intel authorization bill. It was passed by the Senate and it was passed by the House, and it is part of the bill, and as I said, the House has passed their bill. The amendment was the subject of passionate and considered debate in Congress. It has unique support—18 former security officials, as I have said—and this Army Field Manual was issued in its current form by the Department of the Army in September of 2006. It followed the requirements of the Detainee Treatment Act, and it applies uniformly across all elements of the military and civilian elements of the Department of Defense.

The manual was published after more than 3 years of drafting and coordination. This was the most scrutinized field manual the Army has ever produced, including reviews and comments by every relevant Pentagon office, every combatant commander, the White House, the DNI, the CIA, and the Defense Intelligence Agency. The Departments of Justice and State have also concurred with the manual's guidance. For the first time ever, the Army consulted with Congress in the persons of Senators MCCAIN, WARNER, and LEVIN in drafting the manual.

The manual complies with the Uniform Code of Military Justice, the Geneva Conventions, and the Detainee Treatment Act. There is perhaps no more authoritative figure on the manual than our commanding officer in Iraq, GEN David Petraeus. In a response to a survey showing that American troops in Iraq would consider torture in order to save their comrades, Petraeus wrote to the entire multinational force on May 10, 2007, and here is some of what he said:

> Certainly, extreme physical action can make someone ''talk''; however, what the individual says may be of questionable value. In fact, our experience in applying the interrogation standards laid out in the Army Field Manual shows that the techniques in the manual work effectively and humanely in eliciting information from detainees.

Now, what does the manual do? It specifically authorizes 19 approaches—you could call them interrogation techniques—and they are well thought out and each one is several pages on how to apply it. One of them can only be used on unlawful army combatants with the prior approval of the combatant commander. These techniques describe ways to build rapport with the detainee in order to get him or her to share information.

GEN Michael Maples, the Director of the DIA, recently rebutted the contention that the Army Field Manual wouldn't have covered the interrogation method used by an FBI special agent to get Saddam Hussein to finally come clean that he had no weapons of mass destruction.

So the manual specifically prohibits eight techniques, and here is what they are:

Forcing a detainee to be naked, perform sexual acts, pose in a sexual manner; placing hoods or sacks over the

head of a detainee; using duct tape over the eyes; beatings, electric shock, burns, or other forms of physical pain; waterboarding—very much the talk of the Nation; use of military working dogs; inducing hypothermia or heat injury; conducting mock executions; depriving detainee of necessary food, water, or medical care.

Those are the eight prohibited techniques in the Army Field Manual. It also incorporates what is called the ''golden rule,'' and this is important. It is an approach to interrogation. It requires military personnel to ask this question: If an interrogation technique were to be used against an American soldier, would I believe the soldier had been abused?

Adopting this conference report would extend that ''golden rule'' to CIA interrogations, to station agents all across the globe, and make sure that no coercive technique could be used if we would not be comfortable with the same technique being used against an American citizen.

Now, here are some facts about the CIA program. The CIA has used coercive techniques on detainees since September 11, 2001, under the President's authorization and approval of the Department of Justice. The CIA has waterboarded three detainees—Abu Zubaydah, Abd al-Rahim al-Nashiri, and Khalid Shaikh Mohammed.

The White House believes that waterboarding could be used in the future, even though General Hayden has recently publicly questioned its legality. The CIA has used contractors for interrogations, as General Hayden admitted in an open, public hearing this past week. So the CIA has outsourced what is an inherently governmental function of questionable legality and morality.

More importantly, the CIA's interrogation techniques change. There is no uniform standard. There is no standard as to how they are to be combined, what the circumstances are. Think about this. Done with cold calculation, any interrogation technique, when applied over the course of hours or days or months, and in combination with other techniques, can cross the line into illegality. An interrogator can choose from a menu of coercive approaches, pick several of them, and go to work. So don't be fooled. Even the least coercive-sounding technique, when used relentlessly or in combination, can be torture.

Now, in addition to being immoral, I believe the CIA interrogation program is illegal.

I say this as a member of the Intelligence Committee, and I say this as one who has been briefed several times on these techniques. These techniques have violated the Convention Against Torture and the U.S. torture statute by inflicting severe physical or mental pain or suffering to others. It has violated Geneva Convention common article III, which prohibits outrages upon personal dignity, in particular humiliating and degrading treatment.

The medical research is clear. Coercive techniques cause severe pain and suffering. That is why both the AMA and the American Psychological Association have passed resolutions against their members participating in such interrogations.

In a letter dated September 13, 2006, retired General and former Secretary of State Powell wrote this:

> The world is beginning to doubt the moral basis of our fight against terrorism.

I think that says it in a nutshell. As every Member knows, we will never win the war on terror by capturing or killing or torturing all our enemies. We will only win the war by our ideals and by removing any public support for al-Qaida's vision.

Using torture cuts away from our moral high ground. It takes America into the ''dark side,'' and thus it reduces our ability to win this war. I believe we should end this now.

The military is the segment of the U.S. population most likely to be captured and interrogated by our enemies. They know any technique we authorize can be used against them, and that is the point. If the United States uses waterboarding, you can be sure that waterboarding will be used against our station agents, against our military. It is a mistake to do so.

That is why 43 retired generals and admirals, including 10 four-star officers, have signed a letter to Congress denouncing coercive techniques and supporting the single unified uniform standard for the entire Government, the Army Field Manual.

Here is what they wrote:

> We believe that it is vital to the safety of our men and women in uniform that the United States not sanction the use of interrogation methods it would find unacceptable if inflicted by the enemy against captured Americans. That principle, embedded in the Army Field Manual, has guided generations of military personnel in combat.

And the letter goes on.

I have listened to the experts such as FBI Director Mueller and DIA Director General Maples. They all insist that even with hardened terrorists you get more and better intelligence with the gloves on than when you take them off.

The CIA cannot show that coercive techniques are more effective than noncoercive techniques. And I wish I could say what I know from a classified setting, but I cannot. They point to the anecdotes they have declassified, while the counterexamples remain classified.

So I can only summarize and say this: This is the moment where the Senate stands up. The House has stood up. They have passed a bill. If we want to ban waterboarding, if we want to ban the eight techniques banned by the Army Field Manual, this is our moment to do so. I think we should stand tall. I think we should adhere to our principles. I think we should raise what we say internally and once again regain the world's credibility. I hope we maintain the Senate bill as it is.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, action on the fiscal year 2008 authorization bill for intelligence is so long overdue I do not even know how to explain it. It is over 2 years overdue. It is a very important bill.

Beginning in 1978, after the two congressional intelligence committees were established, the Congress passed an annual intelligence authorization bill every year. It does not sound interesting, but it has a great deal to do with how the intelligence community operates. We passed it for 27 consecutive years. And there was no exception to that. This legislation was one of very few nonappropriations measures that Congress has always considered ''must pass.'' Yet we have failed to pass it for the last number of years, and it is a matter of consternation.

The importance of our intelligence programs to our national security has always been very obvious. The importance of strong congressional oversight of the intelligence activities has been equally obvious; although it has been spottier in the recent past, it no longer is.

Then in 2005 and 2006, the bills reported out of the Senate Intelligence Committee were never brought to the Senate for consideration. There were internal reasons for that. I will spare the Presiding Officer from a discussion of those matters, and it is no longer important why.

But we have to do this bill. The intelligence authorization bill is the tool the Congress uses to provide direction, specific direction, and to enforce the oversight that we do. It involves many of the most sensitive national security programs conducted by the U.S. Government.

The 2008 authorization bill includes provisions to improve the efficiency of the intelligence community. It is a bland statement, but it is a very important series of parts. The bill produces better intelligence. We provided flexibility and authority to the DNI. We gave him a tremendous responsibility and then did not give him enough flexibility to exercise that responsibility. We do that in this bill.

We require much greater accountability from the intelligence community. That is oversight. We require greater accountability from the intelligence community and its managers. We improve the mechanisms for conducting oversight of intelligence programs and we reform intelligence program acquisition procedures. All of that is oversight.

Many of the provisions were included at the request of the National Intelligence Director in this bill. I always believe in reaching out to the professionals in doing this.

The creation of the DNI position was the result of the most significant reform of the intelligence community in 50 years. And the current DNI, ADM

Mike McConnell, is absolutely superb. The Office of Director of National Intelligence has now existed for 2½ years, and we have begun identifying ways to help the DNI better coordinate the 16 elements of the intelligence community, which are scattered around the Government, some of which do a very good job and some of which do not. Now he is pulling all of this together and he is doing a good job.

Starting with personnel authority, this bill uses a much more flexible approach to authorizing personnel levels. Those are very delicate. We also give the DNI the ability to exceed personnel ceilings by as much as 3 percent because he needs to have that. He is in the process of trying to figure out how to adjust all of this and work it right. He needs flexibility. It also provides additional flexibility to encourage the DNI to convert contractor positions to Government employees when appropriate.

Every Member knows the real power is the power of the purse. It is the same with the DNI. And this bill changes reprogramming requirements to make it easier to address, as they say, emerging needs in critical situations, a crisis. We give him the financial flexibility to do that. He needs that flexibility, and he now will have it if we pass this bill.

It authorizes the DNI to use interagency funding amongst his various agencies that he oversees to establish national intelligence centers if he so chooses. The bill also allows the DNI to fund information-sharing efforts across the intelligence community. That was the whole point of the 9/11 Commission. That is the whole point of reducing stovepipes.

Finally, it repeals several unneeded and burdensome reporting requirements. Frankly, we can use up a lot of people's time on something that we no longer need. We reduce some reporting requirements without in any way compromising accountability because oversight is the whole point of this bill.

As it increases the authority of the DNI, the bill also improves oversight of the intelligence community in other ways. The bill creates a strong independent inspector general in the office of the DNI. It has to be confirmed by the Senate. That is called oversight. Confirmed by the Senate. That means it has to report to the committee. Accountable to the committee. It has to tell us the truth. Confirmation allows inspectors general to do very difficult things within their own departments that maybe some of the leaders will not do.

It establishes statutory inspectors general in the National Security Agency, the NRO, the NGA and the Defense Intelligence Agency. So these are all there. They are all accountable. They are all oversight tools that we want.

The bill also gives the Congress more oversight of the major intelligence agencies by requiring Senate confirmation of the Directors of NSA and NRO. Right now we do not have to confirm them. If we do not confirm, that means they do not have the same relationship with the Senate. We confirm the CIA, but we do not confirm the NSA.

You tell me, particularly after we passed the FISA bill yesterday, how is it possible that we would not be able to confirm the head of the National Security Agency as well under this bill? We can, which makes him accountable to us, which means he reports to us, which means we can do oversight over him much more aggressively.

As we describe in our conference report:

> . . . of the need for NSA's authorized collection to be consistent with the protection of the civil liberties and private interests of U.S. persons.

Through confirmation of the NSA Director, we can ensure that continues or starts to be so.

As we increase the DNI's flexibility to manage personnel, we require an annual assessment. That sounds boring, but, no, it is not. It is very important—an annual assessment of personnel levels across the intelligence community: How are they distributed? Are they in the right place? Are people protecting their turf? The DNI is in charge of this. We want to give him all the support, and we want this all reported to us in our committee so we can watch it.

We also required the inclusion of a statement that those levels are supported by adequate infrastructure, training, funding, and a review of the appropriate use of contractors, which has become a very interesting subject in these months and years.

This bill also addresses an issue that has concerned the committee for a long time, the lack of accountability for failures and programmatic blunders. That is called oversight.

We want accountability. We want it in front of us. We want our hands on it. The bill gives the DNI the authority to conduct accountability reviews across the intelligence community if he deems it necessary or if we request it in our committee. It is called oversight.

This also improves financial management by requiring a variety of actions related to the production of auditable financial statements. That sounds pretty boring, but, no, it is not. When you get into the intelligence community, when you get to classified numbers, things of that sort, it is very important to have someone watching. That is oversight. We will have that if this bill passes.

The final major theme in the bill is the reform of the acquisition process. The bill requires a vulnerability assessment of all major acquisition programs. Well, acquisition is a very large word in intelligence and a very expensive word. We have made some very big mistakes, we have not been able to correct them.

But that is a discussion for another day. So we have a classified annex. Any Senator who wants to look at what is behind all of those numbers can do that very easily.

I have other things I wish to talk about, particularly the Army Field Manual. But I have a whole different speech awaiting my colleagues on that later in the day.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my colleague with whom I have worked closely on this and many other matters.

One of the most important means that Congress has for conducting oversight of the intelligence community is through the annual authorization bill for the intelligence agency. Regrettably, we can't call it an annual Intelligence Authorization bill because Congress was unable to pass a bill in 2006 and 2007. Unfortunately, it appears we are on a path that may prevent us from getting an authorization bill signed for fiscal year 2008.

When I assumed the duties as vice chairman of the select committee at the beginning of this Congress, one of my top priorities—and that of the committee—was to get an Intelligence Authorization bill signed into law. During the first month of our tenure, we tried to resuscitate the fiscal year 2007 bill but could not get it out of the Senate. When the time came to fashion a bill for fiscal year 2008, we had better luck. But as Louis Pasteur once said, ''Chance favors the prepared mind.'' The committee worked hard to include in the chairman and vice chairman's mark only those provisions that had strong bipartisan support. Our rule was if either side objected to a provision, it would not be included. After our markup, we added a number of other good government provisions that had strong bipartisan support. Unfortunately, the committee also added a number of problematic provisions that caused our bill to stall on the floor.

I believed we had largely succeeded in our process of accomplishing the goals of a bipartisan bill. We worked closely with the administration to address some of their concerns. Some were easier to resolve than others. We all know there is one very problematic amendment relating to the Army Field Manual that was added during the conference between the House and the Senate. I will address that later. But now I wish to talk about some of the good things in this conference report.

First, I have often said—and I believe responsible observers now agree—that in creating the Director of National Intelligence, we gave him a tremendous amount of responsibility but darn little authority to get the job done. This conference report attempts to address that problem by giving the DNI clearer authority and greater flexibility to oversee the intelligence community. For example, section 410 gives the DNI statutory authority to use national intelligence program funds quickly to address deficiencies or needs relating to

intelligence information or access or sharing capabilities. The DNI may also use funds to pay for non-NIP—national intelligence program—activities and to address critical gaps in those areas.

Section 409 expands the number of officials in the office of the DNI who can protect sources and methods from unauthorized disclosure. This authority may now be delegated to the Principal Deputy Director of National Intelligence and the chief information officer of the intelligence community. These are all good things, all things the administration needs. We also included provisions that will ensure that the men and women of our intelligence community who must work undercover may do so at less risk of disclosure and, consequently, less risk to their personal safety.

Section 305 allows the DNI to delegate the authority to authorize travel on any common carrier for purposes of preserving cover of certain employees. Section 325 extends to the head of each intelligence community element the authority to exempt certain gifts from otherwise applicable reporting requirements. Without this exemption, detailed information about the receipt of gifts from foreign governments must be published in the Federal Register. Imagine if an undercover agent receives a gift from one of the targets he is working and has to report it in the Federal Register. That not only blows his cover, it probably ends his life. That is a great national security concern to operatives who have received such gifts as part of their covert actions.

One particular provision will reduce the personnel and resources used to respond to many congressional reporting requirements. In section 330—again, in response to a request of the DNI—we eliminated a number of reporting requirements. It is a small step but an important one, as each reporting requirement diverts valuable resources from the intended purpose. I hope, within the 2009 Intelligence Authorization bill, we can make even greater progress in reducing unnecessary and duplicative reporting requirements that burden the intelligence community.

There are a number of provisions in this conference report that are essential for promoting good government. Too often we have seen programs or acquisitions of major systems balloon in cost and decrease in performance. That is unacceptable. We as taxpayers are spending substantial sums of money to ensure that the intelligence community has the tools it needs to keep us safe. If we don't demand accountability in how these tools are operated or created, then we are failing the taxpayers. We are failing the intelligence community. We are failing the mission I would hope we all agree is essential.

I sponsored several amendments that require the intelligence community to perform vulnerability assessments of major systems and to keep track of excessive cost growth of major systems. This latter provision is modeled on the Nunn-McCurdy provision which has guided Defense Department acquisitions for years. I believe these provisions will encourage earlier identification, the solving of problems relating to the acquisition of major systems. Too often such problems have not been identified until exorbitant sums of money have been spent. In some cases, several billions of dollars have been blown before the waste stopped. Unfortunately, too often, once they have sunk a bunch of money into a project, they refuse to cancel it, even though they are continuing to throw good money after bad.

Similarly, the intelligence community must get a handle on their personnel. I don't share the belief some have that the Office of the Director of National Intelligence is too large. In fact, I think we need to make sure our National Counterterrorism Center and National Counterproliferation Center have more resources, not less. They are the ultimate idea for creating a centralized intelligence community, bringing analysts and collectors together from all of the 16 different elements of the community.

I am concerned about the number of contractors used by the intelligence community to perform functions better left to Government employees. There are some jobs that demand the use of contractors—for example, certain technical jobs or short-term functions—but too often the quick fix is to hire contractors, not long-term support. So this conference report includes a provision calling for an annual personnel level assessment for the intelligence community. These assessments will ensure that before more people are brought in, there are adequate resources to support them and enough work to keep them busy.

Finally, we have included section 312, which requires the DNI to create a business enterprise architecture that defines all intelligence community business systems. The endgame is to encourage implementation of interoperable intelligence community business systems, getting everyone on the same page; in sum, making sure everybody is talking to each other and everybody who needs to know can listen in, a simple but not-yet-achieved objective. Given the substantial sums of money we are spending on these systems, we should be making certain the systems are efficiently and effectively coordinated; again, a good government provision.

There were a number of adjustments we had to make. We responded to concerns of the administration, and I worked particularly with my Democratic colleagues—and I thank them for their support—to make adjustments that would allow the bill to clear the Senate for the first time in 2 years. Let me highlight some of those adjustments because it is important to remember how much effort it took to return the bill to a bipartisan state.

No. 1, we struck a section that would have required the President to provide Congress with any President's daily brief involving Iraq during a certain time period. The PDBs have not been disclosed. As a matter of fact, they only came to light when a former official in the previous administration put some PDBs in his BVDs and stuck them out at the archives for reasons no one has adequately explained.

We struck two sections that contained controversial notification and funding restrictions. We struck a provision requiring declassification of the budgetary top line of the national intelligence program because it had already passed Congress in S. 4, the so-called 9/11 bill. We struck a section that required the CIA Director to make available to the public a declassified version of a CIA inspector general report on CIA accountability related to the terrorist attacks. That was also required by S. 4. It was about time the CIA internal IG report be made available. Everybody else had to air their failings, and it was time the CIA did so as well.

We struck a section that would have allowed the public interest declassification board to conduct declassification reviews at the request of Congress, regardless of whether the review is requested by the President. We also struck a provision that would have required a national intelligence estimate on global climate change, largely because the DNI, which is not equipped to conduct an NIE on climate change, had outsourced the responsibility for putting together an assessment, and there was no need to mandate this in law.

Finally, we made modifications to at least seven other provisions to address concerns raised by the administration and by our Senate colleagues. The end result was, we get a fiscal year 2008 Intelligence Authorization bill passed out of the Senate by unanimous consent in early October 2007. I thank my colleagues for allowing us to do that. It was long overdue, and it was a badly needed action. Then, however, we went to conference.

I urged my conferees to avoid inclusion of controversial provisions. We kept our negotiations to the base text of both bills. Given that we hadn't had an intel bill during the past 2 years, there were a lot provisions to negotiate. I guess you could say there was a lot of pent-up oversight. After a lot of hard work, we were able to merge the two bills in a manner we believed would receive strong bipartisan support. Unfortunately, despite my warnings, history again repeated itself. During the conference markup, the Senate adopted, by a one-vote margin, a controversial provision that limits the intelligence community to using only those interrogation techniques authorized by the U.S. Army Field Manual on human intelligence collector operations. As I will discuss later, to adopt that provision and put it into law

would, according to the Director of the CIA, shut down the most valuable intelligence collection program the CIA has, a program that has protected our homeland and our troops abroad from terrorist attacks. Because it was adopted, I couldn't sign the conference report that I and my colleagues worked so hard to enact.

Another consequence of that vote was it caused the conference report to languish in the Senate for more than 2 months now. Shortly after the passage of the conference report, the administration released a statement of administration policy and—certainly not to my surprise—at the top of their list of objectionable provisions was the limitation on interrogation techniques provisions. We have heard some misstatements on this floor about interrogation and the techniques used. Frankly, I share some of the same concerns raised by the administration with respect to this provision. Statements made about the interrogation program of the CIA are not accurate. They have been blown totally out of context, and they deserve a response. This section, if it were enacted in law—and it will not be—would prevent the intelligence community from conducting the interrogation of senior al-Qaida terrorists to obtain intelligence needed to protect the country from attack.

During its consideration of the Detainee Treatment Act of 2005, Congress wisely decided that while the Army Field Manual was a good standard for military interrogators who number in the tens of thousands, with limited supervision and limited training, it was not the standard that should be used by the CIA.

CIA interrogators are highly trained, operate under tremendous oversight and rules and supervision in interrogating those top hardened terrorist leaders, who have information on how the system operates and who the major players are. They do not outsource this job to contractors such as Blackwater or others. It is my understanding if they use contractors, it is former interrogators who are brought back in because of their experience. They are subject to the supervision of the CIA, with multiple layers of supervision and oversight by video cameras. It is highly irresponsible to say the CIA has outsourced torture. We do not do torture.

Now, a lot of people say we have lost a lot because of our inhumane treatment. They are referring to Abu Ghraib. We all agree that what was done at Abu Ghraib was inhuman and degrading. But it was not done by anybody in the intelligence field or for intelligence purposes. It was done by renegade troops who have been prosecuted, punished, and imprisoned for the violations of basic decency. Yes, that has hurt us worldwide, but that is not the standard which is allowable, permissible, or acceptable by any of our interrogators.

Mention has been made of eight techniques that are banned in the Army Field Manual. I agree, those techniques that are banned in the Army Field Manual should be banned. Those are not techniques that should be used. The Army Field Manual was meant for the Army in limiting the number of techniques that can be used. It applies to them only for the Army, for the Army's use. There are quite a number of techniques that fall within the same category that are not torture, inhuman, degrading, or cruel. If they are not included in the Army Field Manual, then they would not be permitted to be used, if this were made law, by the CIA, the FBI, or anybody else.

But to apply the Army Field Manual—it says you can only use these interrogation techniques if you get authorization from ''the first 0–6 in the interrogator's chain-of-command''—well, that would mean the CIA would have to go over to the Army and say: Do you have an 0–6 who can come over and look over the shoulders of our interrogators? Well, you do not have to worry about that because the CIA program would be ending.

It allows the Army to set the interrogation standards for the entire intelligence community. It is important that my colleagues recognize this interrogation provision is not an antitorture provision. The previous speakers have said we need to pass this law to outlaw torture. It is outlawed. The law prohibits the United States from using torture. This provision prevents the intelligence community from engaging in other lawful interrogation techniques that fall outside the scope of the Army Field Manual.

Why is that important? Because everything in the Army Field Manual has been published in the al-Qaida manuals. The top officials of al-Qaida know those techniques better than the interrogators know them. They know how to resist them, and they are ineffective.

Now, some on the other side of the aisle would like to frame this provision as being about waterboarding. It is not.

The Attorney General has publicly stated that the CIA no longer uses waterboarding. The technique is not one of the approved techniques. The Director of the CIA has publicly stated that there were only three individuals waterboarded and the technique has not been used since 2003. It was used in the crisis right after 2001, when tremendous amounts of valuable information were gained from the three individuals waterboarded.

What we are talking about here is not waterboarding. Some of my colleagues have said that the EITs are not effective—enhanced interrogation techniques. Well, that is absolutely not true. That is precisely the opposite of what the CIA Director has told us in our classified hearings and explained it.

Now, the CIA Director has said they have held less than 100 people in their custody, and less than one-third of those have been submitted to enhanced interrogation techniques.

These are the hardened terrorists who have the most information that is needed to protect our troops, our allies abroad, and those of us here at home.

Those techniques—which are different from but no harsher than the techniques that are in the Army Field Manual—are unknown to the detainees. Those detainees on whom the EITs—not including waterboarding—have been used have produced the most productive information and intelligence. Literally thousands upon thousands of the most important intelligent collections have come from the cooperating detainees who did not know what was going to happen to them, even though no torture, cruel, inhuman, or degrading techniques were used on them.

Many of the techniques that are used—and I have reviewed them—are far less coercive or strenuous than what we apply to our military volunteers: young men and women of America who join the Marines, the SEALs, the Special Operations Forces, or pilots who go through the survival, evasion, resistance, and escape training, or the SERE training. We do not even use the most strenuous of those techniques on our detainees.

Those who say we do not want our enemies to use any more harsh techniques than we use on them—well, good luck. You have seen Abu Musab al-Zarqawi beheading people. Those are not techniques that anybody would suggest. A beheading probably eliminates a source of further information.

But the problem is, the techniques that are used would be banned. The techniques—that are not cruel, that are not inhuman, that are used on our own voluntary military enlistees—are prohibited because they are not included in the Army Field Manual. One good reason they are not is because we do not want to publicize them or they would no longer be effective in use against those high-value detainees who will not cooperate otherwise. I cannot support a bill that contains that provision.

So here we are on the floor—the farthest we have gotten in 3 years. It looks as though history is going to repeat itself. No wonder congressional ratings are at an all-time low. I believe our inability to work in a bipartisan fashion on a consistent basis may be harming us. Yesterday's success with the FISA Amendments Act is a model example of what can be accomplished when we work together. For the most part, the committee's work on the Intel bill followed that model, although we were unable to protect the bipartisan compromise in the end.

As the vice chairman of the Senate Intelligence Committee, I have invested a very significant amount of time and effort to provide meaningful

oversight of the intelligence community through this bill. I know my distinguished chairman, Senator ROCKEFELLER, has made those same efforts and shares the goal.

However, I have often said that no bill is better than a bad bill. Right now, with this provision in it, this is a bad bill because what it would do, according to the Director of National Intelligence, is to shut down the most effective interrogation program the CIA has to use to induce cooperation from those leaders of al-Qaida and other terrorist organizations who know about the plots to attack the United States and to attack our allies.

Mr. President, I urge my colleagues to support cloture so we can move forward on the process on this legislation, but the President has stated he will veto the bill and, regrettably, I must say that despite all the good things in the bill, he is correct. We cannot afford the risk to this country, to our personal safety, to our desire to avoid another 9/11, by saying we can no longer allow the CIA to use the acceptable techniques that are not published but that are very effective in assuring cooperation of high-value detainees whom we in this country capture through the CIA. Regrettably, while I urge my colleagues to support cloture, I cannot urge them to pass this measure.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Oregon.

Mr. WYDEN. Mr. President, how much time do I have remaining at this time?

The PRESIDING OFFICER. The Senator has 3 minutes.

Mr. WYDEN. Mr. President and colleagues, I ask unanimous consent to have my time—you said I have 3 minutes; I see my friend on the floor—to have my time extended by 3 minutes so I would have a total of 6 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. That is acceptable. No objection.

Mr. President, I ask unanimous consent for 2 additional minutes after that, if that could be part of the request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WYDEN. Mr. President, thank you, and I thank my friend from Missouri as well.

I especially want to express my appreciation for the outstanding work of Senator FEINSTEIN, my seatmate on the Intelligence Committee, who I think understands it is possible in this country to fight terrorism ferociously and still be sensitive to American values and the rule of law. That is what I want to spend a few minutes talking about because I think under the approach developed by Senator FEINSTEIN this legislation does that.

I start by responding to the point my friend from Missouri has made about the most dangerous terrorists whom we are involved in interrogating. It seems to me these individuals are literally human ticking timebombs. They have information, for example, about operations we absolutely must have information on in order to protect the American people. But I have come to the conclusion it is possible to get this essential information we need from these human ticking timebombs—the time-sensitive threat information—without practices that violate our values and violate the rule of law.

The reason I have come to that conclusion—and why I so strongly support what Senator FEINSTEIN is doing—that is what some of our key officials tell us in the executive branch. For example, this week, I asked FBI Director Mueller about whether it was possible to use noncoercive techniques effectively in terms of getting this information from human ticking timebombs, and the Director said, to his credit, yes, it was possible to use noncoercive techniques to get the information necessary to protect the United States of America. The fact is, the military has said it as well.

It is that core principle Senator FEINSTEIN has picked up in her work. She believes, as I do, we will take no backseat to anyone in terms of fighting the terrorists relentlessly, but we can do it, as Director Mueller and the military have said, in line with the rule of law and in line with American values.

With respect to the role of the military, they already abide by interrogation rules that are flexible and effective. They have been used by professional military interrogators with many years of experience, and they are clearly effective.

Some have suggested, incorrectly in my view, that the military rules make better interrogators, follow the same rules as new recruits, but that is not right. The Army Field Manual actually makes it quite clear which techniques are authorized for all servicemembers and which require special permission to use.

It is my view that our country has paid dearly for this secret interrogation program. My friend from Missouri has indicated, in his view, you cannot torture, but the case was strong for the Feinstein amendment a couple months ago, and it is even stronger today because General Hayden has said that in the past, waterboarding has been used and, in fact, my view is that the need for this legislation, just on the basis of the developments over the last few weeks, is even more important than it was because these practices that have come to light in the last few weeks have damaged our relations, damaged our moral authority.

The tragic part of this, on the basis of the answers from Mr. Mueller in open session this week and the military is that these coercive techniques are not effective or even necessary. I share the view of my friend from Missouri about how important it is to get this time-sensitive threat information.

He and I have talked about this on many occasions. Of course, we cannot get into any of the matters that are classified. I share his view, but it is possible, I say to my colleagues, to get that information without breaching the values Americans hold dearly and the rule of law.

I hope my colleagues will support the important work by the Senator from California. This is an issue we have looked at. It has had bipartisan support in the past.

I am very appreciative of what Senator MCCAIN, who knows a little bit about this, has had to say in the past about fighting terrorism relentlessly and protecting our values.

I hope my colleagues will support the efforts of the Senator from California. If her case was strong several months ago, I think it is even stronger today on the basis of what we have learned in open session.

Mr. FEINGOLD. Mr. President, I support the intelligence authorization conference report, which is so important to Congress's efforts to conduct oversight of the intelligence community. The administration's illegal actions and its relentless efforts to obtain vast new eavesdropping authorities make oversight more important than ever. I particularly support the provision limiting interrogation techniques to those authorized by the Army Field Manual. I was a cosponsor of this amendment when it was offered in conference, and I am pleased that it has the support of bipartisan majorities of both the Senate and House Intelligence Committees. It represents, at long last, an important step toward bringing this administration into conformity with the law and with our national principles. It also represents a clear decision by the very Members of Congress who have been briefed on the CIA's interrogation program that the use of so-called enhanced interrogation techniques is not in our country's best interests.

When the intelligence authorization bill was marked up by the committee in May, I made my position clear. I could not support the CIA's program on moral, legal, or national security grounds. When I was finally fully briefed on the program, it was clear that what was going on was profoundly wrong. It did not represent what we, as a nation, stand for, or what we are fighting for in this global struggle against al-Qaida. And it was not making our country any safer. I also concluded that if the American people knew what we in the Intelligence Committee knew, they would agree.

The program also cannot stand up to any serious legal scrutiny. To take just one interrogation technique that the administration has acknowledged using in the past, waterboarding is torture, pure and simple. Everyone knows this. The rest of the world knows this. And, in every other context, our own government knows this. What Orwellian

world do we inhabit in which the administration attempts to argue otherwise? And in what world does waterboarding not ''shock the conscience,'' the test required by the Detainee Treatment Act? I suspect that the administration knows full well that its legal justifications for the program are empty, and that is why the Attorney General has refused to tell Congress why he believes the program is legal and has instead referenced Justice Department analyses that have also been withheld from Congress.

The CIA's interrogation policy is undermining our ability to fight al-Qaida. It has diminished our standing in the world, precisely when we should be providing global leadership against this growing threat. And it has denied us the moral high ground that is so critical if we are to reach out to parts of the world in which al-Qaida seeks to operate and recruit. By passing this conference report, we can begin to reverse this damage. We can also, finally, reassure our troops that torture is torture and that if you are captured by the enemy, the American government will not equivocate about the Geneva Conventions protections to which you are entitled.

The administration has repeatedly attempted to sell this program by arguing that Members of Congress have been briefed, as if the mere fact of telling members of Congress means that the program must be legal. The President made this argument last fall. And the Director of the CIA did so again last week. But, what the administration always fails to mention is that as members of the Intelligence Committees have learned about the program, opposition has steadily increased. I have sent a classified letter detailing my serious concerns and so, too, have others. And now, we have bipartisan majorities of both intelligence committees saying ''enough is enough.''

It has long been my position that interrogation techniques should be limited to those authorized by the Army Field Manual. This approach brings the CIA into conformity with the rules by which our men and women in uniform defend our nation and themselves. We fought Nazi Germany and the battles of the Cold War without resorting to government-sanctioned torture. We can surely defend America and defend our principles now. It is time to bring an end to this stain on our Nation, and to make the American people proud again.

Mr. LEAHY. Mr. Presdient, this Report contains a provision that reinforces the prohibition against our Government engaging in torture. It expressly prohibits interrogation techniques that are not authorized by the United States Army Field Manual. By passing this bill, we will not only respond to this administration's ambiguity about torture by reiterating that it is off the table, we will be sending a message to the world that the United States is a country that does not tolerate torture. Whether waterboarding is torture and illegal does not depend on the circumstances.

When it comes to our core values—that which makes our country great and defines America's place in the world—it does not depend on the circumstances. America, the great and good Nation that has been a beacon to the world on human rights, does not torture and should stand against torture.

Let me be clear. This provision should not be necessary. Waterboarding, and other forms of torture, are already clearly illegal. Waterboarding has been recognized as torture for the last 500 years. President Teddy Roosevelt prosecuted American soldiers for waterboarding more than 100 years ago. We prosecuted Japanese soldiers for waterboarding Americans during World War II.

I support this provision, despite the fact that there is no question that waterboarding is already illegal, because this administration has chosen to ignore the law. They have admitted they have engaged in waterboarding, otherwise known as water torture, and they refuse to say they will not do it again. The positions they have taken publicly on this subject are, I believe, so destructive to the core values of this Nation and our standing in the world, that this Congress should say, again—very clearly—that our Government is not permitted to engage in these shameful practices.

Tragically, this administration has so twisted America's role, laws and values that our own State Department and high-ranking officials in our Department of Justice cannot say that waterboarding of an American is illegal. If an enemy decided to waterboard an American soldier, they can now quote statements from high officials in our own Government to support their argument that the technique breaks no laws. That is how low we have sunk.

Our top military lawyers and our generals and admirals understand this issue. They have said consistently that waterboarding is torture and is illegal. They have told us again and again at hearings and in letters that intelligence gathered through cruel techniques like waterboarding is not reliable, and that our use and endorsement of these techniques puts our brave men and women serving in the armed forces at risk. That is why they have so explicitly prohibited such techniques in their own Army Field Manual, and it is an example that the rest of the Government should follow.

So, despite the fact that the law is already clear, I urge the Senate to pass this provision, and I urge the President to promptly sign it into law, making the policy of our Nation clear. Our values cannot permit this to be an open question. We must put an end to the damage that this administration's positions have caused to our standing and the risks that they have taken with the safety of American citizens and soldiers around the world.

Mr. LEVIN. Mr. President, I urge my colleagues to support the intelligence authorization conference report which includes a requirement that all Government agencies, including the CIA, comply with the Army Field Manual on Interrogations in the treatment and interrogation of detainees.

The result will be a single standard of treatment for detainees, a standard consistent with American values and international standards. The Army Field Manual is consistent with our obligations under Common Article 3 of the Geneva Conventions, which prohibits subjecting detainees to ''cruel treatment and torture.'' This is the standard to which our soldiers are trained and which they live by.

Consistent with this standard, the Army Field Manual specifically prohibits certain interrogation techniques. These include: forced nudity; ''waterboarding,'' that is, inducing the sensation of drowning; using military working dogs in interrogations; subjecting detainees to extreme temperatures; and mock executions.

Unfortunately, the Bush administration has insisted that it reserves the right for the CIA to engage in certain ''enhanced interrogation techniques.'' It has been reported that these CIA techniques include ''waterboarding.'' While this Justice Department continues to refuse to say one way or the other, let there be no doubt: waterboarding is torture.

The Judge Advocates General of all four services have told us unequivocally that waterboarding is illegal.

Requiring that all Government agencies comply with the standards of the Army Field Manual is not mushy intellectualism. It is hard-headed pragmatism. When we fail to live up to our own standards for humane treatment, we compromise our moral authority. Our security depends on the willingness of others to work with us and share information, information which could prevent the next attack. When we project moral hypocrisy, we lose the support of the world in the fight against the extremists.

Requiring a single standard for the treatment of detainees consistent with the Army Field Manual protects our men and women in uniform, should they be captured. It strengthens our hand in demanding that American prisoners be treated humanely, consistent with values embodied in the Field Manual.

I urge my colleagues to support the intelligence authorization conference report with the provision that standards in the Army Field Manual for treatment of detainees will apply to all elements of the intelligence community.

Mr. GRAHAM. Mr. President, I oppose the conference report on the intelligence authorization bill.

I was troubled to learn the Intelligence Committees inserted in the conference report a provision to apply

the Army Field Manual to the CIA program. This was done without any hearing or vote in either the House or the Senate.

I strongly regret the committee chose this course of action since it denies the Senate the opportunity to fully appreciate the implications of such a restriction on the CIA program.

It would be a colossal mistake for us to apply the Army Field Manual to the operations of the CIA. I have been briefed on the current CIA program to interrogate high value targets. It is aggressive, effective, lawful and in compliance with our legal obligations. Unfortunately, the intelligence authorization bill as currently drafted will destroy the CIA program.

I believe in flexibility for the CIA program within the boundaries of current law. The CIA must have the ability to gather intelligence for the war on terror. In this new war, knowledge of the enemy and its plan is vitally important and the Army Field Manual provision will weaken our intelligence gathering operations.

It is regrettable that the debate on the intelligence authorization bill has become a debate about waterboarding. Waterboarding is not part of the CIA program.

However, waterboarding, under any circumstances, represents a clear violation of U.S. law and it was the clear intent of Congress to prohibit this practice. In 2005 and 2006, the Senate overwhelmingly and in a bipartisan fashion stood up against cruel, inhuman and degrading treatment and abided by the Supreme Court's decision in the Hamdan case that that those in our custody are protected by the Geneva Conventions. Indeed, senior administration officials assured us that the language contained in the Military Commissions Act clearly outlawed waterboarding.

Imagine my surprise when the Attorney General and Director of National Intelligence stated that waterboarding may be legal in certain circumstances. I cannot understand what legal reasoning could possibly lead them to this conclusion.

Given the Attorney General's recognition during his nomination hearing that the President cannot waive congressionally mandated restrictions on interrogation techniques, including those included in the McCain amendment and the Military Commissions Act, it is inexplicable that the administration not only has failed to publicly declare waterboarding illegal, but has actually indicated that it may be legal.

During the past several weeks we have heard many justifications for the administration's incomprehensible legal analysis. At the end of the day, it appears it is the view of the administration is that the ends justify the means and that adhering to our values, laws, and treaty obligations will weaken our nation. I strongly disagree.

I support aggressive interrogation of detainees in the in the war on terror. And the CIA program is a vital component in securing our Nation. As we interrogate and detain those who are intent on destruction of our country and all those who fight for liberty, we can never forget that we are, first and foremost, Americans. The laws and values that have built our Nation are a source of strength, not weakness, and we will win the war on terror not in spite of devotion to our cherished values but because we have held fast to them.

Mr. MCCAIN. Mr. President, I oppose passage of the intelligence authorization conference report in its current form.

During conference proceedings, conferees voted by a narrow margin to include a provision that would apply the Army Field Manual to the interrogation activities of the Central Intelligence Agency. The sponsors of that provision have stated that their goal is to ensure that detainees under American control are not subject to torture. I strongly share this goal, and believe that only by ensuring that the United States adheres to our international obligations and our deepest values can we maintain the moral credibility that is our greatest asset in the war on terror.

That is why I fought for passage of the Detainee Treatment Act, DTA, which applied the Army Field Manual on interrogation to all military detainees and barred cruel, inhumane and degrading treatment of any detainee held by any agency. In 2006, I insisted that the Military Commissions Act, MCA, preserve the undiluted protections of Common Article 3 of the Geneva Conventions for our personnel in the field. And I have expressed repeatedly my view that the controversial technique known as ''waterboarding'' constitutes nothing less than illegal torture.

Throughout these debates, I have said that it was not my intent to eliminate the CIA interrogation program, but rather to ensure that the techniques it employs are humane and do not include such extreme techniques as waterboarding. I said on the Senate floor during the debate over the Military Commissions Act, ''Let me state this flatly: it was never our purpose to prevent the CIA from detaining and interrogating terrorists. On the contrary, it is important to the war on terror that the CIA have the ability to do so. At the same time, the CIA's interrogation program has to abide by the rules, including the standards of the Detainee Treatment Act.'' This remains my view today.

When, in 2005, the Congress voted to apply the field manual to the Department of Defense, it deliberately excluded the CIA. The field manual, a public document written for military use, is not always directly translatable to use by intelligence officers. In view of this, the legislation allowed the CIA to retain the capacity to employ alternative interrogation techniques. I would emphasize that the DTA permits the CIA to use different techniques than the military employs but that it is not intended to permit the CIA to use unduly coercive techniques—indeed, the same act prohibits the use of any cruel, inhumane, or degrading treatment.

Similarly, as I stated after passage of the Military Commissions Act in 2006, nothing contained in that bill would require the closure of the CIA's detainee program; the only requirement was that any such program be in accordance with law and our treaty obligations, including Geneva Common Article 3.

The conference report would go beyond any of the recent laws that I just mentioned—laws that were extensively debated and considered—by bringing the CIA under the Army Field Manual, extinguishing thereby the ability of that agency to employ any interrogation technique beyond those publicly listed and formulated for military use. I cannot support such a step because I have not been convinced that the Congress erred by deliberately excluding the CIA. I believe that our energies are better directed at ensuring that all techniques, whether used by the military or the CIA, are in full compliance with our international obligations and in accordance with our deepest values. What we need is not to tie the CIA to the Army Field Manual but rather to have a good faith interpretation of the statutes that guide what is permissible in the CIA program.

This necessarily brings us to the question of waterboarding. Administration officials have stated in recent days that this technique is no longer in use, but they have declined to say that it is illegal under current law. I believe that it is clearly illegal and that we should publicly recognize this fact.

In assessing the legality of waterboarding, the administration has chosen to apply a ''shocks the conscience'' analysis to its interpretation of the DTA. I stated during the passage of that law that a fair reading of the prohibition on cruel, inhumane, and degrading treatment outlaws waterboarding and other extreme techniques. It is, or should be, beyond dispute that waterboarding ''shocks the conscience.''

It is also incontestable that waterboarding is outlawed by the Military Commissions Act, and it was the clear intent of Congress to prohibit the practice. The MCA enumerates grave breaches of Common Article 3 of the Geneva Conventions that constitute offenses under the War Crimes Act. Among these is an explicit prohibition on acts that inflict ''serious and nontransitory mental harm,'' which the MCA states ''need not be prolonged.'' Staging a mock execution by inducing the misperception of drowning is a clear violation of this standard. Indeed, during the negotiations, we were personally assured by administration officials that this language, which applies to all agencies of the U.S. Government, prohibited waterboarding.

It is unfortunate that the reluctance of officials to stand by this straightforward conclusion has produced in the Congress such frustration that we are today debating whether to apply a military field manual to nonmilitary intelligence activities. It would be far better, I believe, for the administration to state forthrightly what is clear in current law—that anyone who engages in waterboarding, on behalf of any U.S. Government agency, puts himself at risk of criminal prosecution and civil liability.

We have come a long way in the fight against violent extremists, and the road to victory will be longer still. I support a robust offensive to wage and prevail in this struggle. But as we confront those committed to our destruction, it is vital that we never forget that we are, first and foremost, Americans. The laws and values that have built our Nation are a source of strength, not weakness, and we will win the war on terror not in spite of devotion to our cherished values but because we have held fast to them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I have enjoyed a good working relationship with my good friend, the Senator from Oregon, but, unfortunately, he did not listen to all the testimony we had from the leaders of the intelligence community.

While he suggests we must fight terrorism and uphold our values, that is precisely what the CIA program is designed to do. Going forward, that is the program that will comport with all our values and our views, but it will be necessary.

The CIA's enhanced interrogation techniques, on which he and I have had the opportunity to be briefed, are different from but not outside the scope of those included for use in the Army Field Manual.

As I stated previously, the difference is that since they are not published, as the Army Field Manual is, they are not included in the al-Qaida handbook, they are not known to high-value targets with whom we may come in contact and be able to capture. We are talking only of a couple or three dozen at the most who require those techniques.

He said the FBI Director does not use any harsh techniques. But if you recall, in answer to one of my questions describing one of the techniques one of the FBI interrogators used, it is not in the Army Field Manual. They use different techniques. They use different techniques, but they would be limited to the Army Field Manual.

I suggest that when they are dealing with the criminals who may not be part of an organized terrorist conspiracy, they would not necessarily need to use them.

General Hayden did say that waterboarding was used three times in the past. He has stated clearly it is not being used now. He stated the different enhanced interrogation techniques that are similar to, but different from, the Army Field Manual are only used in very limited circumstances, and those circumstances are the circumstances in which high-value detainees, with knowledge of the organization, the threats they pose, the plots they are planning to undertake, will not talk as long as they are subjected only to techniques they are familiar with in the Army Field Manual.

Yes, the CIA, a couple, three dozen, somewhere in there, may have used enhanced interrogation techniques. Almost 10,000 valuable pieces of information have come from the CIA's program. We are safer in the United States because we have disrupted plots from Fort Dix to Lackawanna to Chicago to Torrance, CA—across this Nation—because of good intelligence—electronic surveillance and enhanced interrogation of high-value detainees.

If we take this step in the Congress, I believe the President will veto it, as he should, because to say that the CIA should be fitted into the Army Field Manual standard is, I believe, a real threat to the effectiveness of our collection.

Regrettably, discussions that imply on this floor that we continue to use or will continue to use any techniques that are cruel, inhumane, degrading or torture is not only simply wrong—flat wrong—but it is irresponsible because there are ears and eyes out there in the world, Al-Jazeera's and others, who will be picking them up, who will be transmitting them, and who will use that to tar the reputation of our intelligence collectors. They do not deserve that. Our security does not deserve that.

Let's be clear, we are not talking about any cruel, inhumane, degrading or torture techniques. They are different than what is published in the Army Field Manual. That is the only reason they are effective.

I regret the measure before us has this ban that will shut down the most valuable source of information our intelligence community has.

I cannot urge my colleagues to support final passage of this conference report.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I will use leader time to make a statement.

We are going to vote in a few moments whether to invoke cloture on the intelligence authorization conference report. It is my understanding the minority is going to support us on this vote. I appreciate that very much.

America has been without an intelligence authorization bill for almost 3 years. That is certainly long enough. The bill before us contains many important provisions that will strengthen our intelligence capabilities to fight terrorism and keep our country safe. The bill includes a number of provisions that will begin to restore proper congressional oversight and includes a provision sponsored by Senator FEINSTEIN that will require all intelligence professionals in the U.S. Government to adhere to the interrogation standards included in the Army Field Manual.

I appreciate the work of Senator FEINSTEIN, who has dedicated much of her life to making our country safer. She spends untold hours, along with other Intelligence Committee members, in the Hart Building, listening to and evaluating what is happening in the intelligence community in our country and around the world. She is a good Senator, and her insight into what needs to be done in this instance speaks volumes. I underline and underscore my appreciation for her work. I urge all my colleagues to join with me in voting to support her in this effort. We will have that opportunity because cloture is going to be invoked.

It is my understanding a Republican or a Democrat will raise a point of order regarding the Feinstein amendment. The reason a Democrat would do it is to move this along, to get this over with. There is no reason to wait 30 hours postcloture, with everyone wondering when it will come up. We should do it, get it out of the way, work out some agreeable time with my colleagues, or we will go ahead and do it ourselves. There is an hour under the rule to debate the motion. There will be an effort to waive this point of order which, under the rules, requires 60 votes. Should Republicans force a vote to waive the point of order, I urge all my colleagues to waive the point of order.

This is a question of moral authority. The Senate should stand as one to declare that America has one standard of interrogation. We are living as Americans in a world where everything we do is watched and watched very closely. We are asking other countries to follow our moral lead, to embrace our way of life, to aspire to the American standard of liberty. Yet I fear too often this administration's actions betray those goals.

A couple weeks ago, Attorney General Mukasey refused to say that waterboarding is legal. What is waterboarding? We know what it is. It came from the Inquisition and King Ferdinand and Queen Isabella. That is where it originated. It is nothing new. It has been going on for centuries, and it is torture at its worst where you, in effect, drown somebody and revive them after they can no longer breathe.

Last week, CIA Director Hayden publicly confirmed the United States had waterboarded individuals who were in our custody. The next day, the White House affirmatively declared waterboarding is legal and President Bush is free to authorize our intelligence agencies to resume its use.

President Bush may not care much what we in Congress, Democrats or Republicans, think. For 6 years, he had carte blanche to do what he wanted.

The last year has not been that way. We are an equal branch of Government, and it is time we made him understand this.

The administration can develop as many novel and convoluted legal theories as it wishes, but they cannot change the simple fact that has long been settled law, that waterboarding is torture and it is illegal. It is illegal in America, and it is illegal throughout the world. In decades past, America has prosecuted our enemies and even our own troops for waterboarding.

This debate is not just about one kind of torture. It is not just about waterboarding. It is about ensuring that no form of torture, cruel or inhumane interrogation techniques that are illegal under the Geneva Conventions and prohibited by the Army Field Manual, are used. This includes beating prisoners. This includes sexually humiliating prisoners. It includes threatening them with dogs, depriving them of food and water, performing mock executions, putting electricity charges on various parts of their body, burning them.

These techniques are repugnant. They are repugnant to every American. They fly in the face of our most basic values. They should be completely off limits to the U.S. Government. We have already seen the damage these torture efforts can cause. The world saw it in the Abu Ghraib prison situation. The revelation that American personnel had engaged in such terrible behavior, behavior we have always strongly condemned when used by others, caused tremendous damage to our Nation's moral authority. The recruiting opportunity it provided our terrorist enemies cannot be understated and cannot be undone.

This is not a Senator saying this. Forty-three retired military leaders of the U.S. Armed Forces have written us a letter strongly stating that all U.S. personnel, military and civilian, should be held to a single standard. These honored leaders wrote:

> We believe it is vital to the safety of our men and women in uniform that the United States not sanction the use of interrogation methods it would find unacceptable if inflicted by the enemy against captured Americans.

They stated the interrogation methods in the Army Field Manual ''have proven effective'' and that they ''are sophisticated and flexible.''

My friend, the ranking member of this committee, says these horrible techniques are necessary. They are not. They are not necessary. There are many things that have been used and can be used, as indicated by these 43 leading military experts. They say present interrogation techniques, setting these others aside, are sophisticated and flexible and they work. They explicitly reject the argument that the field manual is too simplistic for civilian interrogators.

Our commander in Iraq, General Petraeus, a four-star general, whom we like to throw around here as knowing all and has done a wonderful job in Iraq, wrote an open letter to the troops in May. He had this to say:

> Some may argue that we would be more effective if we sanctioned torture and other expedient methods to obtain information from the enemy.

He went on to say:

> They would be wrong. . . . [H]istory shows that [such actions] are frequently neither useful nor necessary.
>
> Certainly, extreme physical action can make someone ''talk;'' however, what the individual says may be of questionable value.

We all know that.

> In fact, our experience in applying the interrogation standards laid out in the Army Field Manual . . . shows that the techniques in the manual work effectively and humanely in eliciting information from detainees.

So says General Petraeus.

Mr. President, just yesterday, a bipartisan group of foreign policy experts joined to call upon Congress to endorse the application of the Army Field Manual standards across all U.S. agencies.

The group included, but was not limited to, the Chairman and Vice Chairman of the 9/11 Commission, Governor Keane and Congressman Hamilton; two former Secretaries of State; three former national security advisers; a former Secretary of the Navy; and other highly regarded officials from both parties.

The Bush administration's continued insistence on its right to use abusive techniques gives license to our enemies abroad, puts at risk our soldiers and citizens who may fall into enemy hands, and serves as an ongoing recruiting tool for militant extremists.

Meanwhile, the widespread belief that our country uses abusive interrogation methods has weakened our ability to create coalitions of our allies to fight our enemies because other countries have at times refused to join us.

Mr. President, many of us thought the Congress had addressed the issue of torture once and for all when we overwhelmingly passed the McCain amendment in 2005.

But President Bush immediately issued a signing statement casting doubt on his willingness to enforce a ban on torture, and his administration has worked ever since to undermine what Senator MCCAIN offered and was passed here overwhelmingly.

This vote today gives Congress the chance to show President Bush that we meant what we said 3 years ago when we passed the McCain amendment.

Today, we have an opportunity to begin to rebuild America's precious and diminished moral authority. Today, we can strengthen the war on terror.

I urge us to stand together to support cloture and, if necessary, to vote to waive the point of order on the Feinstein amendment, which is part of the very good conference report dealing with intelligence authorization.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 1 minute 23 seconds.

Mr. BOND. Mr. President, regrettably, the record doesn't meet the issue before us. Waterboarding is not an issue here. Waterboarding is not banned. The techniques that are being used are in compliance with all of the convention. They are not torture, cruel, or humanly degrading.

The only reason to have a separate program, which Congress recognized in the 2005 Military Detainee Act, for having a different standard was for a few high-value targets who needed different techniques—not more harsh techniques but techniques that are less severe than the training techniques we put our enlisted Marines, SEALs, Special Forces, and the pilots through. If they are not published in the Army Field Manual, they don't know about them, and that leads them to cooperate.

The most successful intelligence collection program that the CIA has does not involve torture or any kind of unlawful conduct. It is unfortunate—and I regret to say very harmful—to the United States to suggest that it does. I strongly believe we cannot afford to shut down the CIA's interrogation of high-value detainees.

I yield the floor.

Mr. REID. Mr. President, don't you think this great country of ours—the moral authority of the world—can continue our work, our interrogation of prisoners, both military and civilian, by not beating them, sexually humiliating them, bringing dogs and having dogs chomp at them, like at Abu Ghraib? Do we need to deprive them of food and water, provide mock executions, shock them with electricity, as was done during the first gulf war to American prisoners who were captured by the Iraqis, one of whom was from Nevada? We don't need to do that. We don't need to burn them. We don't need to cause them other types of pain that are listed in field manuals.

Mr. President, we have 43 leading military experts who have told us that. We have had the two people who led the 9/11 Commission who have told us that you don't need that, along with former Secretaries of State and national security advisers to various Presidents, Democrats and Republicans.

America is better than this. We don't need to do this. The CIA can get along without having to do all these terrible things. We are told by General Petraeus that these techniques don't work anyway and that any of the information you get is unreliable. Listen to General Petraeus. Let's do the right thing on this issue when it comes up, Mr. President.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2008—CONFERENCE REPORT—Resumed

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 2082, Intelligence Authorization Act.

John D. Rockefeller IV, Dianne Feinstein, Kent Conrad, E. Benjamin Nelson, Russell D. Feingold, Barbara A. Mikulski, Ron Wyden, Ken Salazar, Mark Pryor, Patty Murray, Benjamin L. Cardin, Frank R. Lautenberg, Jack Reed, Sheldon Whitehouse, Harry Reid, Carl Levin, Bill Nelson.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the conference report to accompany H.R. 2082, the Intelligence Authorization Act, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Missouri (Mrs. MCCASKILL), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 4, as follows:

[Rollcall Vote No. 21 Leg.]

YEAS—92

Akaka	Corker	Kerry
Alexander	Cornyn	Klobuchar
Allard	Craig	Kohl
Barrasso	Crapo	Kyl
Baucus	Dodd	Landrieu
Bayh	Dole	Lautenberg
Bennett	Domenici	Leahy
Biden	Dorgan	Levin
Bingaman	Durbin	Lieberman
Bond	Ensign	Lincoln
Boxer	Enzi	Lugar
Brown	Feingold	Martinez
Brownback	Feinstein	McCain
Bunning	Grassley	McConnell
Byrd	Gregg	Menendez
Cantwell	Hagel	Mikulski
Cardin	Harkin	Murkowski
Carper	Hatch	Murray
Casey	Hutchison	Nelson (FL)
Coburn	Inhofe	Nelson (NE)
Cochran	Inouye	Pryor
Coleman	Isakson	Reed
Collins	Johnson	Reid
Conrad	Kennedy	Roberts
Rockefeller	Snowe	Voinovich
Salazar	Specter	Warner
Sanders	Stabenow	Webb
Schumer	Stevens	Whitehouse
Sessions	Sununu	Wicker
Shelby	Tester	Wyden
Smith	Thune	

NAYS—4

Burr	DeMint
Chambliss	Vitter

NOT VOTING—4

Clinton	McCaskill
Graham	Obama

The motion was agreed to.

The PRESIDING OFFICER. On this vote, the yeas are 92, the nays are 4. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. NELSON of Florida. Mr. President, while we are waiting here for some of the determination of a time agreement with regards to the consideration of the conference report, I want to go ahead and lend my support and acknowledge to the rest of the Senate that this is a bill that is very necessary to pass. Because, what this bill does, by authorizing the activities of the intelligence community, it continues to make the oversight function of the Congress—in particular, the Senate and the House Intelligence Committees—poignant and relevant to a community that is not accustomed to having oversight.

Our committee leadership, chairman and vice chairman, Senators Rockefeller and Bond, as we say in the South, they have cracked the whip with the intelligence community to get them to realize that this is a constitutional government of shared powers; that the executive branch doesn't just run the show—particularly on something as sensitive as the collection of intelligence. Rather, it needs to be done within the law, and one of the ways of ensuring that is through the sharing of powers between two different branches of Government who have checks and balances upon each other. We in the legislative branch oversee the activities of the executive branch—in this case, all of the intelligence community and their activities, which are absolutely essential to the protection of our country. This conference report is a very important bipartisan document, which increases the accountability in the intelligence community, and it authorizes dozens of critical intelligence programs to keep us safe every day.

The conference report includes a new, strong inspector general in the Office of the Director of National Intelligence. Inspectors general are increasingly important in the intelligence community, where billions of dollars are spent outside of public view. Our committee, as well as the American public, has to rely on the inspector general as an important part of the oversight of the intelligence community.

As we look back, several years ago, we completely reorganized the intelligence community. A Director of National Intelligence was set up to integrate the disparate elements of the intelligence community. But there is a lot more that needs to be done, and a strong inspector general at the DNI is another step in the right direction.

The conference report also includes a provision that makes the Director of the NRO—the National Reconnaissance Office—and the NSA—the National Security Agency—subject to Senate confirmation. Now, why is that important? That is important because, again, it is part of the checks and balances of the separate branches of Government. Both of these agencies, outside of the public view because of the top-secret nature of this work, oversee large programs that cost vast amounts of money, and not every program has been a success. So by having the confirmations of the Directors of the NRO and the NSA come to the Senate, it improves that accountability and responsiveness to the legislative branch of Government.

The authorization bill also requires an assessment of the vulnerability of the intelligence community's major acquisition programs. We have to assess that the program is going to stay on track and that it is not going off the rails with regard to cost. We are talking about billions of dollars on some of these programs. By keeping them on track, by knowing what to anticipate, it is much easier to plan ahead.

This bill also provides an annual reporting system which will help us keep in focus, curbing these cost overruns and these schedule delays. If you don't do that, things are going to get out of control. As the intelligence community continues to be more and more sophisticated because of the technical means it employs, it is more and more important that our oversight tools be in place and effective.

Now, that is enough alone to pass this bill, but we have an area of disagreement coming up. We are expecting the minority to offer a point of order that would remove a provision in the conference report. This provision requires the Army Field Manual to be used as the standard for interrogation methods. This Army Field Manual was released over a year ago. It specifically prohibits cruel, inhuman, and degrading treatment.

There are eight techniques in the Army Field Manual that are specifically prohibited from being used in conjunction with intelligence interrogations: forcing the detainee to be naked, perform sexual acts, or pose in a sexual manner; placing hoods or sacks over the head of a detainee; using

duct tape on the eyes; applying beatings, electric shock, burns, or other forms of physical pain. The fourth is waterboarding. That is prohibited. The fifth is using military working dogs. The sixth is inducing hypothermia or heat energy. The seventh is conducting a mock execution. The eighth is depriving the detainee of necessary food, water, and medical care.

Now, haven't I just described what America is all about? Is that not the standard by which we, as the leader of the world, have to announce to the world what we believe in and how we are going to conduct ourselves, and that is how we are going to conduct ourselves not only among our own people and how we treat them but how we are going to treat others?

The manual provides that three interrogation techniques may only be used with higher level approval. The good cop-bad cop interrogation tactic; the false flag tactic, where a detainee is made to believe he is being held by another country; or separation, by which the detainee is separated so he can't coordinate with other detainees on his story—those techniques can be used, but it has to be approved at a higher level.

Mr. President, there is something that is going to worry everybody, and it has worried this Senator personally and as a member of the Intelligence Committee. What if all of this doesn't work and the country is in imminent peril? Well, along with the standards we are going to set, which I hope we are going to pass into law—these standards in the Army Field Manual which will state clearly what the standards are for our country and how we are going to conduct ourselves—there is always the constitutional authority under article II.

As Commander in Chief, the President can act when the country is in immediate peril. And if he so chooses, as Commander in Chief, to authorize activities other than what the Army Field Manual allows, then the President would be accountable directly to the American people under the circumstances with which he invoked that article II authority as Commander in Chief.

What we are saying today does not relate to the President's article II power. We are setting statutory power. It is important that we tell the rest of the world the standards of how we interrogate detainees. We are putting these standards into law and we will ensure that these techniques are in compliance with the humane treatment that we would expect and hope our Americans would also receive.

I think there should be no confusion. We have an obligation to set these standards into law. If that dire emergency ever occurred in the future, the President has his own authority under article II of the Constitution. But that is not the question here today before us. The question is: What do we set as the standard of interrogation, and that has to be that there is no torture allowed under this statutory law.

Therefore, when the point of order is raised that would take the Army Field Manual standards for interrogation techniques out of the conference report, I urge the Senators not to take this provision out of this important intelligence reauthorization bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the Senate will soon vote on the intelligence authorization bill, which contains a provision requiring all U.S. governmental agencies, including the CIA, to comply with the Army Field Manual's prohibition on torture. This reform is urgently needed. I commend the Intelligence Committee for adopting this provision. Its enactment will ensure that the Government uses only interrogation techniques that are lawful and those provisions should be retained.

In the Detainee Treatment Act passed in 2005, Congress attempted to reaffirm our commitment to the basic rights enshrined in the Geneva Conventions and restore America's standing in the eyes of the world as a nation that treats detainees with dignity and respect.

These rights reflect the values we cherish as a free society, and also protects the lives of our service men and women. Today, however, we know that the 2005 act has fallen short of our goals. By not explicitly applying the Army Field Manual standards to all Government agencies, we have left open a loophole that the Bush administration promptly drove a Mack truck through.

The so-called enhanced interrogation program carried out in secret sites became an international scandal and a profound stain on America in the eyes of the world. The administration issued an executive order last year to try to minimize the outcry, but the order failed to renounce abuses such as waterboarding, mock executions, use of attack dogs, beatings, and electric shocks.

The disclosure of secret opinions by the Office of Legal Counsel gave further evidence that the administration had interpreted the Detainee Treatment Act and other antitorture laws in an unacceptable, narrow manner.

Attorney General Mukasey's refusal at his confirmation hearings to say whether waterboarding is illegal gave us even more reason for concern. The outrages do not end there. Two months ago, the New York Times reported that in 2005 the CIA had destroyed at least two videotapes documenting the use of abusive techniques on detainees in its custody. These videotapes have been withheld from Federal courts, the 9/11 Commission, and congressional committees. Two weeks ago in his testimony before the Senate Judiciary Committee, the Attorney General flat out refused to consider investigating possible past acts of torture or to brief congressional committees on why he believed the CIA's enhanced interrogation program is lawful.

Last week, we received official confirmation that the CIA had used waterboarding on three detainees. At the same time, the White House made the reckless claim that waterboarding is legal, and that the President can authorize its use under certain circumstances.

The White House position is directly contrary to the findings of courts, military tribunals, and legal experts that waterboarding is a violation of U.S. law and a crime against humanity.

In the words of a former master instructor for U.S. Navy SEALs:

> Waterboarding is slow motion suffocation with enough time to contemplate the inevitability of blackout and expiration. Usually the person goes into hysterics on the board. For the uninitiated it is horrifying to watch and if it goes wrong, it can lead straight to terminal hypoxia. When done right it is controlled death.

Waterboarding has a long and brutal history. It is an ancient technique of tyrants. In the 15th and 16th centuries, it was used in the Spanish Inquisition. In the 19th century, it was used against slaves in this country. In World War II, it was used against our troops by Japan. We prosecuted Japanese officers for using it and sent them to years and years of jail for following that procedure.

In the 1970s, it was used against political opponents by the Khmer Rouge in Cambodia and military dictatorships in Chile and Argentina. Today it is being used against pro-democracy activists in Burma. That is the company we keep when we fail to reject waterboarding.

In fact, Attorney General Mukasey could not even bring himself to reject the legal reasoning behind the infamous Bybee torture memo of the Office of Legal Counsel which stated that physical pain amounts to torture only if it is:

> equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death.

According to that memo, anything that fell short of that standard would not be torture. This Bybee memorandum was in effect for 2½ years before it was ever effectively suspended. It was suspended then by Attorney General Alberto Gonzales for the Judiciary Committee, quite frankly, in order that his nomination could be favorably considered.

Included in the Bybee memoranda was a provision that was an absolute defense for any of those who would be involved in this kind of torture, unless prosecutors could prove a specific intent that the purpose of the torture was to harm the individuals rather than to gain information, therefore effectively giving carte blanche to any of those who would be involved in torture.

When Attorney General Gonzales appeared before the Judiciary Committee

and effectively repealed the Bybee memoranda, he did so for the Department of Defense but not for the Central Intelligence Agency, even at that time a clear indication of what the administration was intending to do with the Central Intelligence Agency. It should not be any surprise to anyone that this has been ongoing and continuous.

According to that memo, again the Bybee memorandum, anything that fell short of this standard would not be torture. CIA interrogators called the memo their ''golden shield'' because it allowed them to use virtually any interrogation method they wanted.

When the memo—this is the Bybee memo—became public, its flaws were obvious. Dean Harold Koh of Yale Law School testified that in his professional opinion as a law professor and a law dean, the Bybee memoranda is ''perhaps the most clearly legal erroneous opinion I have ever read [because of all of the previous statutes and laws that have been passed to prohibit torture by the Congress of the United States and those initiated and supported by Republican presidents, by Ronald Reagan, as well as Democratic presidents''.]

This was not a partisan series of statements about what the United States position has historically been. The Bush administration was embarrassed into withdrawing the memo. To this day, no one in the administration has repudiated its content. The torture memo continues to haunt this country. I have asked the Attorney General several times to reject its legal reasoning, but he continues to refuse to do so. The only solution is for Congress to apply the Army Field Manual's standards to the entire Government. There has rarely if ever been a greater need to restore the rule of law to America's interrogation practices.

The field manual represents our best effort to develop the most effective interrogation standards. The manual clearly states that: Use of torture is not only illegal but also it is a poor technique that yields unreliable results, may damage subsequent collection efforts, and can induce the source to say what he thinks the interrogator wants to hear.

We have on trial in military courts six of those who are going to be tried because of 9/11. There is no question there is going to be a whole series of appeals because of the use of various techniques against them. It may very well be that some turn out—because of the violations of basic and fundamental, some constitutional rights, there will be a question about what the outcome is going to be with regard to those individuals.

Why not get it right from the start? The manual gives our interrogators great flexibility, provides all the techniques necessary to effectively question detainees, but it makes clear that illegal and inhumane methods are not permitted.

In a letter to our troops dated May 7, 2007, General Petraeus stated:

> Our experience in applying the interrogation standards laid out in the Army Field Manual . . . shows that the techniques in the Manual work effectively and humanely in eliciting the information from detainees.

Applying the field manual's standards throughout our Government will move us closer to repairing the damage to our international reputation in the wake of the Abu Ghraib scandal. It will once again commit the United States to be the world's beacon for human rights and fair treatment. It will improve the quality of intelligence gathering, and protect own personnel from facing punishment, condemnation, or mistreatment anywhere in the world. It will make us more, not less, safe.

Torture is a defining issue. It is clear that under the Bush administration we have lost our way. By applying the field manual standards to all U.S. Government interrogations, Congress will bring America back from the brink, back to our values, back to basic decency, back to the rule of law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, today's debate goes to the heart of what our country is and what we wish it to be, by asking this: Will the United States of America condone torture? Is there, at America's heart, a heart of darkness? This authorization bill for America's intelligence community offers us the opportunity to answer that question decisively. It contains provisions for which I have fought from my initial amendment in committee, and which I am proud to support today, that would prohibit members of the intelligence community from using interrogation techniques beyond those authorized in the Army Field Manual.

By adopting this amendment, the two Intelligence Committees, Congress's experts on these matters, have sent a clear signal to America and to the world that in this country the rule of law is our strongest bulwark against those who would do us harm.

I hope that today the Senate will have the confidence in our values to reaffirm that signal and pass this legislation with the Army Field Manual provision included.

Over the past several months, the American people have become all too familiar with the issue of torture. I want to discuss one technique in particular today, waterboarding, or water torture, or the water cure, which dates back to the Spanish Inquisition of the 14th century.

Waterboarding was a favorite of torturers, because its terrible effects could be generated without the visible damage accompanying the rack, the screw, the iron, the whip, or the gouge. It could be done over and over.

In the 20th century, waterboarding was done in the Philippines, where colonizers wielded it against indigenous peoples. It has been used in Sri Lanka, in Tunisia, by the Khmer Rouge in Cambodia—we are in the tradition of Pol Pot—by the French in Algeria, by the Japanese in World War II, and by military dictatorships in Latin America. The technique ordinarily involves strapping a captive in a reclining position, heels above head, putting a cloth over his face and pouring water over the cloth to create the feeling of suffocation and drowning. It leaves no marks on the body, but it causes extreme physical and psychological suffering.

A French journalist, Henri Alleg, was subjected to this method of interrogation during the struggle for Algerian independence. He wrote in his 1958 book ''The Question'':

> I tried, by contracting my throat, to take in as little water as possible and to resist suffocation by keeping air in my lungs for as long as I could. But I couldn't hold on for more than a few moments. I had the impression of drowning, and a terrible agony, that of death itself, took possession of me.

Waterboarding is associated with criminal, tyrant, and repressive regimes, with rulers who sought from their captives not information but propaganda, meant for broadcast to friends or enemies whether true or false. Regimes that employed the technique of waterboarding generally did not do so to obtain information; rather, to obtain compliance. But no matter the purpose or the reason, its use was and is indefensible.

Water torture was not unknown to Americans. A 1953 article in the New York Times quotes LTC William Harrison of the U.S. Air Force, who said he was ''tortured with the 'water treatment' by Communist North Koreans.'' In testimony before a U.S. military tribunal, CAPT Chase Jay Nielsen described being waterboarded by his Japanese captors following the 1942 Doolittle raid by U.S. aviators. From all this, America's military knew there was a chance our servicemen and servicewomen would be subjected to water torture.

The Defense Department established the SERE program—survive, evade, resist, and escape—to train select military personnel who are at high risk of capture by enemy forces or isolation within enemy territory. The program has also subjected certain service personnel to extreme interrogation techniques, including waterboarding, in an effort to prepare them for the worst—the possibility of capture and torture at the hands of a depraved or tyrannical enemy.

According to Malcolm Nance, a former master instructor and chief of training, at the U.S. Navy SERE school in San Diego:

> [O]ur training was designed to show how an evil totalitarian enemy would use torture at the slightest whim.

Those who have experienced this technique, even at the hands of their own brothers in arms, are unequivocal about its effect. Former Deputy Secretary of State Richard Armitage, who underwent waterboarding during SERE training, said this:

As a human being, fear and helplessness are pretty overwhelming. . . . this is not a discussion that Americans should even be having. It is torture.

Our colleague in this body, Senator John McCain, has said the same. Yet it was to this relic of the dungeons of the inquisition, of the Cambodian killing fields, and of the huntas of the Southern Hemisphere that the Bush administration turned for guidance. I will speak later about how our Department of Justice came to approve this. But for now, we know that last week, in a stunning public admission, the CIA Director General, Michael Hayden, admitted the United States waterboarded three detainees following the September 11 attacks. The virus of waterboarding had traveled from tyrant regimes, through the SERE program, and infected America's body politic.

Retired BG David Irvin, of the U.S. Army Reserve, a former intelligence officer and instructor in interrogation, and Joe Navarro, interrogator with the FBI, recently wrote:

[T]here is considerable evidence that the CIA had to scramble after 9/11 to develop an interrogation program and turned to individuals with no professional experience in the field. . . . Given the crisis atmosphere of the day, it is all too easy to believe the comment of an intelligence insider who said of the secret program to detain and interrogate al Qaeda suspects that ''quality control went out the window.''

Don't let us jump out the window after it.

America's military is expressly prohibited from using torture because intelligence experts in our Armed Forces know torture is an ineffective method of obtaining actionable intelligence. Again, I will speak later about the false assertion that this program was designed for 18-year-old novices. Some of the most sophisticated intelligence interrogations are done by our military after intense training. Our military adheres to the Army Field Manual on Human Intelligence Collector Operations. At a hearing before the Senate Select Committee on Intelligence, on which I serve, I asked COL Steven Kleinman, a 22-year veteran of interrogations, a senior intelligence officer in the U.S. Air Force Reserves, and a veteran interrogator with plenty of experience overseas in the Middle East, about his experience conducting interrogations using the Army Field Manual.

He said:

I am not at all limited by the Army Field Manual in terms of what I need to do to generate useful information. . . . I've never felt any necessity or operational requirement to bring physical, psychological or emotional pressure on a source to win their cooperation.

A significant number of retired military leaders have written to the chairman and vice chairman of the Intelligence Committee saying:

interrogation methods authorized by the field manual have proven effective in eliciting vital intelligence from dangerous enemy prisoners. . . . And the principles reflected in the Field Manual are values that no U.S. agency should violate.

And GEN David Petraeus, commander of U.S. forces serving in Iraq, reiterated this point when he wrote last year to every soldier serving in the Iraq theater:

Some may argue that we would be more effective if we sanctioned torture or other expedient methods to obtain information from the enemy. They would be wrong. Beyond the basic fact that such actions are illegal, history shows that they also are frequently neither useful nor necessary. . . . our experience in applying the interrogation standards laid out in the Army Field Manual on Human Intelligence Collector Operations that was published last year shows that the techniques in the manual work effectively and humanely in eliciting information from detainees.

The cochairs of the 9/11 Commission emphatically agree. On Monday, the chairmen, together with two former Secretaries of State, three former National Security Advisors, and other national security experts, wrote that ''[c]ruel, inhuman and degrading treatment of prisoners under American control makes us less safe, violates our national values, and damages America's reputation in the world.''

Torture is ineffective. It is wrong. It is dangerous to all those who serve the United States of America in harm's way. It should never, ever be used by any person who represents the United States of America or any agency that flies the American flag.

I was proud last July to introduce an amendment in the Intelligence Committee that would write this rule into law. When that effort did not succeed, I was proud again last winter to support Senator FEINSTEIN's amendment in conference.

I call on all my colleagues to support this legislation. We can journey no longer down Winston Churchill's stairway which leads to a dark gulf. As Winston Churchill said:

It is a fine broad stairway at the beginning, but after a bit, the carpet ends. A little farther on, there are only flagstones, and a little farther on still these break beneath your feet.

The United States of America—the city on a hill, the light of the world, the promise of generations—must not ever condone torture. Torture breaks that promise. Torture extinguishes that light. Torture darkens that city. I hope by our actions today, we in the Senate will help turn this country back toward our centuries-old promise. I hope we will turn toward the light.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I almost have no words to praise the Senator from Rhode Island for the eloquence and strength of his speech, which was not only grounded in very deep substance but was delivered with elegiac nature that both culled the human spirit as well as grounded the futility of torture. I congratulate him.

I also rise strongly in support of section 327 of the intelligence authorization conference report. I recognize it will be controversial. I don't care. It is important that some background on this section be provided. Some of it has been this morning. During the conference on the authorization bill, the conferees adopted an amendment that would require the intelligence community to conduct its interrogation in accordance with the terms of the U.S. Army Field Manual. The full membership of the House Intelligence Committee and the Senate Intelligence Committee served on the conference committee. So it was a majority of those two committees that came to that conclusion.

Section 327 of the intelligence authorization conference report directly parallels the provision in the Detainee Treatment Act that forbids subjecting anyone in Department of Defense custody to any treatment or technique of interrogation not authorized by and listed in the U.S. Army Field Manual on intelligence interrogation. Section 327 applies these same restrictions to the intelligence community at large.

The effect of section 327 is, therefore, to require all of the U.S. Government operate their interrogation programs under a single interrogation standard, the standard set by the U.S. military. Adopting the military standard for interrogation as the universal standard makes sense, and I hope some of my colleagues are listening. It is the members of the military who most benefit from reciprocal obligations of the Geneva Convention requiring humane treatment of prisoners and who are most likely to be subjected to retaliation based on the failure of the United States to follow those obligations. That statement is frequently made, and then it is frequently absorbed and discarded. Think about it. Retaliation is the way of the world, and it will be no different here. What we do to others, they will do to us.

The U.S. Army Field Manual on interrogation was revised in September 2006 after significant interagency review. This included a review by the Central Intelligence Agency. By providing a number of approach strategies such as the incentive approach, emotional approach, and the Mutt-and-Jeff approach, the Army Field Manual gives interrogators significant flexibility to shape the interrogation. It doesn't delineate exactly how. It gives them a lot of flexibility.

The Army Field Manual also explicitly prohibits, as we know, waterboarding, forcing detainees to be naked, inducing hypothermia or heat injury or subjecting a detainee to beatings, as well as a number of other things. All this raises the question at the heart of this debate: Should the Central Intelligence Agency, the well-known CIA, be allowed to use coercive interrogation techniques to obtain information from al-Qaida detainees?

This debate is about more than legality. It is about more than ensuring

that the intelligence community has the tools it needs to protect us. It is also about morality, the way we see ourselves, who we are, who we want to be as a nation, and what we represent to the world. What we represent to the world has a direct effect on the number of people who determine they want to join the jihadists movement and come after us.

It is a decision that can and should be left to Members of Congress who are the representatives of the American people. In the early period of the CIA program's existence, I repeatedly called—and I am extremely frustrated by this, extremely frustrated—for an Intelligence Committee investigation into the Agency's detention interrogation practices.

That was in the committee. I was, at that point, vice chairman and could not control, obviously, the vote. So on vote margins of one, we lost. We could not get anything going in the way of studying the subject and investigation of the subject. Then I moved to the floor and once again could not get the committee to investigate the subject. I also tried to have the CIA brief all the members of the committee on the interrogation program. That also did not happen.

I recognized that assessing the need for the CIA's enhanced interrogation techniques, the intelligence obtained from detainees, and the importance of maintaining America's position in the world were issues that we in Congress needed to debate and discuss, and, unfortunately, we did not.

About a year and a half ago, the full membership of the Intelligence Committee was finally provided information about CIA's interrogation program. It is the whole point of oversight. They are not accustomed to us doing that—not just the CIA, but the intelligence community—having representatives of the people asking questions. They think it is an elite field for them. They are proud of their traditions. They fight among themselves, and they do not build into their thinking what it is that the Congress might feel about this.

About a year and a half ago, as I say, we were brought into their interrogation program. Since that time, our committee has held multiple hearings on that subject. We have done our best to learn as much as possible about the basis for and the consequences of CIA's program, as well as interrogation in more general terms.

These briefings and hearings have led the committee to conclude that all agencies of the U.S. Government should be required to comply with a single standard for interrogation of detainees. The Army Field Manual provides a standard of humane treatment that indisputably complies with our international obligations under the Geneva Conventions, as well as with U.S. laws.

The CIA has briefed the committee on several occasions about its interrogation of al-Qaida detainees. The CIA has described the basis for the program, and why they think it should be allowed to continue.

Although the CIA has described the information obtained from its program, I have heard nothing—nothing—that leads me to believe that information obtained from interrogation using coercive interrogation techniques has prevented an imminent terrorist attack.

This is true for a very simple reason. Once a terrorist is captured, his fellow plotters, understandably, change their plans. In other words, I do not believe the CIA has ever been in an actual ''ticking timebomb'' scenario, nor do I think it is ever likely to be placed in that situation. That does not mean the information obtained from the program has not been valuable. Of course information about al-Qaida is exceedingly valuable from an intelligence standpoint. It is bits and pieces of information that allow our intelligence professionals to assess al-Qaida's capabilities and to determine how best to protect ourselves as a nation. But, more to the point, I have not heard nor have I seen any evidence that supports the intelligence community's claim that using enhanced interrogation techniques is the only way to obtain this type of intelligence; that is, to get what they need to get.

After 9/11, the intelligence community decided that coercive interrogation tactics were the best way to obtain intelligence. It was perhaps a little bit understandable then in terms of the general panic of the Nation. But the intelligence community—I say this gravely—did not take the time to research what interrogation techniques might be most effective to come to this conclusion, nor did they reach out to the interrogators with experience, particularly those questioning Islamic terrorists. They did not do that. They were going to do it their way. They simply assumed—and they simply still assume—that coercive interrogation techniques were the best way to obtain information.

To this Senator, this was clearly a flawed approach. But at this point, the administration is so invested in the use of these techniques they can no longer psychologically or otherwise step back to assess what methods are most effective to obtain intelligence. They go by the mantra, they go by what has been done before.

To address this question, the committee explored how other Government agencies conduct interrogation. The committee considered critical interrogations of individuals who do not want to disclose information—people who are hardheaded and do not want to talk—interrogations where obtaining information can prevent widespread injury or death.

Every day, military interrogators in Iraq and Afghanistan question individuals with information that can save lives—every single day—questions about where explosive devices are hidden, where captured soldiers have been taken, or where caches of weapons are stored, and a lot more.

Now, the CIA loves to argue: Oh, but they are just 18- to 20-year-old kids. They don't have the experience. We have experience. We have experience. We have been at it. We are the professionals. They did that at our public, open threats hearing a week or so ago.

Now, there is something called the FBI. They deal with pretty bad people, too. Their agents face life-and-death situations in both the world of terrorism and every-day criminality. Some of the individuals the FBI interrogate are senior leaders, individuals who are committed to staying silent and not sharing the information they possess. In fact, FBI agents recently questioned the top al-Qaida leaders who were formerly in CIA custody, gathering enough information from those al-Qaida leaders to build cases for trial, which we have recently read about.

Some of these FBI agents have been conducting interrogations for two or three decades. That does not sound like 18- to 20-year-olds. They are, without question, recognized experts in their field, and they are remarkably effective at obtaining the information they need. Yet both the FBI and the military have told us they do not need enhanced interrogation techniques. Are these naive organizations? Are these people who do not know what they are talking about? Are these people who do not have stakes at hand? They are out on the battlefield. They are not only at Guantanamo. They are out on the battlefield. They have told the committee the interrogation techniques included in the Army Field Manual provide them with flexibility they need to obtain the information they need.

Indeed, representatives from both the military and the FBI—both—stated emphatically they have the tools they need to obtain necessary and reliable intelligence.

After considering the CIA's arguments, and those of the FBI and the U.S. military, I am simply not convinced that harsh CIA tactics are necessary to obtain intelligence information.

We also had people who were neutral who had experience in interrogation but were not currently in the practice of it. Their information to us also was that to terrorize, to torture, to manhandle, to do whatever, does not work. Human beings are human beings, and there are ways to get at them. In fact, coercive interrogation techniques can lead prisoners—and probably will in many cases—to say anything at all for the purpose of stopping the interrogation. As a result, coercive techniques can produce information that is fabricated and ultimately lead to flawed and misleading intelligence reports. This is not academic or hypothetical. Bad intelligence is a real danger.

In the early years and months after 2001, we were awash with bad intelligence in Washington, DC, not all of it coming out of coercive techniques, but out of a complete misunderstanding of what intelligence is all about. In fact, there was a condescension from the administration about the role of intelligence in providing reliable information. So this is not an academic or hypothetical point. Bad intelligence is a real danger when employing coercive interrogation techniques.

Intelligence reporting from an al-Qaida detainee—a very famous one named al-Libi he said Iraq was providing al-Qaida training in chemical and biological weapons prior to the war, which was publicly trumpeted by the President of the United States, by the Secretary of Defense, by the Secretary of State, and other senior administration officials as proof of operating links between Iraq and al-Qaida and, therefore, as a basis for going in to invade Iraq.

Of course, basically all of us feel now that what the President said on March 23 in the other body, in his speech which gave him the authority to go to war, was based on intelligence which was almost entirely incorrect, and virtually everything he said, other than some rhetoric here and there—everything he said turned out to be wrong, and, therefore, was one of the most extraordinary disservices to the American people, not to speak of the dead and the wounded, that I can remember in my lifetime. But the Nation was inspired by the thought of fighting terror, and so on they went.

Ultimately, al-Libi, who said these things, recanted. He recanted, and it was determined by the CIA that he had fabricated this central allegation of this link between al-Qaida and Iraq and other information based on his claim of mistreatment during the interrogations.

So this is not an academic point. America went to war based on an alleged threat that was partially based on fabricated information produced under coercive interrogation.

Apart from the question of efficacy and the risk of bad intelligence, the committee has explored the consequences of having a different, secret standard of interrogation for the intelligence community. This is where the need for section 327 becomes clear.

Since the disclosure of information about the existence of secret prisons, and the use of harsh interrogation techniques, the reputation and moral authority of the United States have suffered dramatically. It is not a casual statement. One can say, yes, a lot of people have said that. But when that is true, that means that in Africa and Southeast Asia and South America and in the Middle East it becomes much easier for al-Qaida and those who would do us ill—and people within the United States who may belong to no formal organization like that at all—to develop anger, to develop a search for meaning to their lives because they do not see hope in their lives, and so they join. They join a group that will do damage. Some of our techniques have significantly increased the likelihood of that happening.

Rather than being a world leader in human rights, we have become known for the unapologetic use of aggressive interrogation techniques. Indeed, even Canada has included us on a list of countries that engage in torture.

Allowing the CIA to continue to use coercive interrogation techniques that are not part of the Army Field Manual is another piece of fodder for terrorist propaganda that cannot be underestimated. It is not just a rhetorical statement. It cannot be underestimated. It is no way to win the hearts and minds of the Muslim world. Ultimately, the war on terrorism is a war of ideas. Without a public standard of humane treatment, it is impossible to convince the world that we take our international obligations seriously, that we treat people humanely, and that we are a country of laws and we adhere to these laws.

We must uphold those standards that differentiate us from the terrorists whom we are fighting. If our Government continues to use secret interrogation techniques that many are convinced constitute torture, America's standing in the world will continue to go down even more. Every time it goes down, there are more people who sign up to do us harm.

The Israeli Supreme Court concluded, when it forbade the use of harsh interrogation techniques, the following:

> This is the destiny of democracy, as not all means are acceptable to it and not all practices employed by its enemies are open before it. Although a democracy must often fight with one hand tied behind its back, it nonetheless has the upper hand. Preserving the rule of law, and recognition of an individual's liberty, constitutes an important component in its understanding of security. At the end of the day, they strengthen its spirit and its strength and allow it to overcome its difficulties.

So in closing, passing section 327 is critical to regaining our moral authority in the world—which is a little bit too easy to say; it is going to take a lot more than that but it is a start—and convincing people that the United States believes in due process and human rights rather than fear. Having a separate standard of interrogations for the CIA—as much as it may want to have it, as much as it may have pride in having their secret standard, as much as they talk about 18- to 20-year-olds—is simply not worth the cost. I, therefore, urge my colleagues to support section 327.

But no matter how the Senate votes on this motion, if it comes up, the CIA should very carefully consider the actions of the House and Senate Intelligence Committee. All Members need to consider what this large group concluded. The members of our committees are the only Members of Congress who have been briefed on the program and who are privy to the administration's best arguments in support of the program. That has to be said from time to time, and it sounds a bit arrogant, but there are people on the Intelligence Committees, both in the House and the Senate, who get briefings, and they know things that are not necessarily known to the rest of the Congress. Yet despite those briefings, a bipartisan majority of both the House and the Senate Intelligence Committees have determined that it is in the Nation's best interest to have only one standard of interrogation, a standard that can be publicly judged by the entire world, and this judgment by the representatives of the American people—that is, what we did in the conference committee—cannot be ignored.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I compliment my distinguished friend from West Virginia. He has been a very bipartisan worker on the Senate Select Committee on Intelligence. I have been on that committee for an awfully long time, and I have a lot of respect for him. I just want to make that point for the record. I know he spends a lot of time trying to do his job well. We don't always agree, but we do agree on an awful lot. I particularly appreciate his work on the FISA bill. I know it is a very difficult position for him to be in. It is a very technical, very difficult bill, a complex bill, with a lot of matters conducted in public. I think he did a terrific job in seeing this bill through to the Senate floor.

I also would like to take a moment to thank my colleague and friend who works with me, Jesse Baker. He is a Secret Service detailee on my staff who has been invaluable in helping me prepare for the important FISA debate.

I also thank the very able counsel of the Intelligence Committee, Kathleen Rice, along with Jack Livingston, Mike Davidson, and Chris Healey, all of whom I think played a significant role in the FISA bill, among so many other things as well. I also would like to pay tribute to my colleague on the Intelligence Committee, my staffer who works with me, Paul Matulic, who is one of the most articulate and knowledgeable foreign policy people in government today. I am very grateful for his work and the effort he has put forth to try to assist me in these very difficult times and very difficult jobs.

This might be a historic week for the Senate Select Committee on Intelligence, at least in comparison with the last 3 years. Last night, we passed, after over a year of work and preparation, including the 6-month interim Protect America Act, the FISA modernization bill. I truly hope our House colleagues can expedite this bill and get it to the President for his signature before the legal regime governing our essential technical capabilities expires this weekend.

I wish to congratulate both the chairman, as I have said here earlier,

and vice chairman, Senator BOND, for their sustained efforts on this issue. It wouldn't have been passed without their sterling leadership and their willingness to make some tough calls and to stick to them.

I have often said I am metagrobolized—confounded, you might say—that we have heard about the asymmetrical advantages that our terrorist enemies have, while we are reluctant to use our own significant asymmetrical advantages to defend ourselves from these terrorists' intentions. The terrorists do have asymmetrical advantages, to be sure: They are substate actors, and they do not operate according to any national or international law, including the law of war. They hide among civilians, target civilians, and terrorize civilization. If al-Qaida could get its hands on a weapon of mass destruction, everything we know about them suggests they would use it against the West.

But we in the West also have asymmetrical advantages as well. Two significant advantages are our technological prowess and our adherence to the rule of law. Our technology, as we have revealed in more ways than I think prudent in our open debate, provides us unparalleled advantages in tracking the enemy. Our collection has prevented terrorist attacks against us, and our continued collection makes the enemy dedicate a significant amount of its time to avoiding us—time that it would use plotting against us. In this sense, our technological collection is not just a defensive tool but an offensive tool as well. Americans and their leaders are right to expect that all of this Nation's activities should adhere to the rule of law, and this long debate over FISA modernization should, at the very least, assure everyone that we adhere to a legal regime, even when it seems aggravatingly slow to adjust it to modern technology and threats unimagined in the 1970s when the original FISA Act was enacted.

So I again wish to congratulate the chairman and the vice chairman for their leadership in getting this important piece of legislation passed, finally, last night. It was a major banner day for us. This bill was long overdue, and I give credit to those who have worked so hard—long and hard—to see that it was done.

The passage of an intelligence authorization bill is also an important measure of how we advance the rule of law. The balance of powers so beautifully articulated in our system of government requires an active role for this body and, since the 1970s, we have institutionalized a role of oversight for intelligence in the two committees of the Senate and the House.

Our principal vehicle is the authorization bill. This process has been derailed for several years now, as Members operating with individualized agendas have created a dynamic that has thwarted the institutional need for authorization. It is a fact that, if some concede that an authorization bill is not essential, the self-moderating dynamic that keeps one from offering controversial amendments on a bill is removed. We have seen this with the foreign relations authorization bills. I don't want to see it happen with the intelligence authorization bill.

This year's bill has some very important measures in it, most of them in the classified annex and therefore not subject to discussion now. It is, after all, an authorization for the intelligence community—or IC—which does, after all, require a minimum of secrecy to function effectively. The bill does have measures in the unclassified annex worthy of passage, however, to include additional and needed authorities for the Director of National Intelligence, directions on personnel level assessments for the IC, directions on business enterprise architecture modernization, and limits on excessive cost growths of certain systems.

The bill, however, has been strapped by a provision added during conference that was not a part of either the House or Senate bills going into conference that would in this case limit all IC interrogation techniques to the Army Field Manual. Now, this provision is widely seen as a prophylactic against the use of torture, and there begins the misconceptions.

The United States does not torture. Whether the process known as waterboarding constituted torture when it was used in three cases in the past—and we cannot discuss exactly how it was used here—is a debate to be held among historians and scholars of the law. I do not wish to inhibit that debate. I also do not wish to violate U.S. domestic law or international law to which we are committed as a nation. The rule of law serves our advantage.

But the conflict over what was lawful in interpretation in the first 2 years after the 9/11 attacks recognizes, to the honest analyst, that there is murkiness at the intersection of law, policy, and legal interpretation. That has always been the case. As I say, I do not want to inhibit this debate.

I also do not wish that historic debate to inhibit any techniques we need to use for interrogation today. Last week, in an open session of the Senate Select Committee on Intelligence, Director Mike Hayden—General Hayden—spoke forcefully, openly, and articulately about the issue of waterboarding. He said in public that, No. 1, less than one-third of less than 100 detainees held by the CIA since 9/11 have ever been subjected to enhanced interrogation techniques. No. 2, of that small sample, only three have been subjected to waterboarding. No. 3, waterboarding has not been used for almost 5 years. Yet we have heard nothing but screaming about this issue, as though it was relevant today.

As Director Hayden went on to state, there is a universe of lawful interrogation techniques. This includes FBI procedures, the Army Field Manual, and the enhanced interrogation techniques used by the CIA, but which, I repeat, does not include waterboarding today. The DCI made it plain—the Director of Central Intelligence made it plain that the CIA will play to ''the edges that the American political process allows us. It is our duty to play to that edge.'' The DCI also made it clear that if the Congress directs that line is set by the Army Field Manual, then that will be the line in law that CIA officers will respect and adhere to.

So Congress must act soberly and responsibly in addressing the question of enhanced interrogation techniques. As the hearing last week made clear to anyone listening, the various approaches—FBI techniques, DOD's Army Field Manual, and CIA's enhanced techniques—address various subjects under different circumstances with different sets of goals. Director Maples told me he could not imagine that anyone would have objected to the use of current enhanced techniques if they could have gained the intelligence that would have prevented the attack on the USS Cole.

In my mind, the greatest advantage of the enhanced interrogation techniques is the public ambiguity surrounding the fact that they are classified. I don't want an al-Qaida operative we have just wrapped up to know what is in our playbook. But I want to make clear, ambiguity is not—I repeat, not—a cloak for torture.

I can't go into details here, but I can say I have been constantly amazed as I have studied this issue in the Intelligence Committee over some of the sanctimony that has been used by some people on the Senate floor addressing this issue, and off the Senate floor as well. I can quite comfortably say there are actions the American public has routinely witnessed on some of our most popular television police shows over the past two decades that would exceed anything in the enhanced interrogation techniques allowed by the CIA. I find this to be ironic.

I cannot support this conference report if it has the language limiting interrogation to the Army Field Manual. This is a manual written for our soldiers, all of whom I think we all agree are brave, dedicated warriors, but most of whom are young and inexperienced in the needs of interrogation. They should have their manual. I must point out, however, that Army Field Manuals are subject to revision by the Executive at any time, so that we in Congress are acting a little too self-satisfied by this simple gesture if we actually believe we are rectifying the rule of law.

I say, let's have this debate and let's really define what it is we wish to proscribe, and let's understand the needs of our intelligence and the consequences for our actions—consequences that could be very grave if we keep playing games with these issues—or should I say political games. Both would be wrong, in my opinion.

Much of this debate must be classified, but the Senate has procedures for closed sessions, and, after all, the Senate Select Committee on Intelligence was created for just this need. I serve on that august committee, and I have served on it for a long time.

Sometimes I feel as if I am on the corner of sanctimony and righteousness. Sanctimony has popular appeal—it gains the approving tut-tutting of the chattering masses. Often it is more bombast than substance, more Babbittry than bravery. Righteousness is not always a function of the approval of the masses. Those who go to war to defend do things that are lawful but sometimes unpleasant—sometimes very unpleasant. In the choice between sanctimony and righteousness, I will choose the latter.

I do not wish to calumniate anyone in this debate. I presume that people are motivated by the purest of motives, as is always the case in the Senate—or should I say I hope it is always the case in the Senate. I wish, however, that we had more substantive debate on some of these difficult questions.

So because this conference report includes a measure limiting interrogation techniques for our intelligence professionals in the Army Field Manual—a measure added at the last minute in conference, something that was in neither bill, the House's or the Senate's—I will vote against the conference report and urge us all to reengage in this debate so that the lines of law we draw, that our intelligence professionals will respect, are lines that also maintain our best defenses within the rule of law.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MENENDEZ). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VITTER. 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. VITTER. Mr. President, I ask unanimous consent that I be permitted to speak for 15 minutes as in morning business and to yield some of that time to the distinguished Senator from Pennsylvania who joins me on the floor.

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

NOMINATION OF DAVID DUGAS

Mr. VITTER. Mr. President, I come to the floor with welcome support of the distinguished Senator from Pennsylvania, who serves so ably on the Judiciary Committee, to talk about the pending nomination of David Dugas to fill a vacancy in the Middle District of Louisiana.

This is a vacancy that has existed for over a year, and, in fact, coming up very soon in March will unfortunately, if we do not act before then, will be noting the 1-year anniversary of the nomination of David Dugas to fill this vacancy in the Middle District of Louisiana, of course nominated by President Bush.

Mr. Dugas is currently U.S. attorney in that same district. In that capacity, of course, he had to come before this Senate and be confirmed; and he was by unanimous consent. So that was a very resounding confirmation of him, which included support by my colleague from Louisiana, Senator LANDRIEU.

In terms of this judicial nomination, Mr. Dugas has received the highest rating possible by the American Bar Association. He is eminently qualified. There is nothing in his background or his dealings or his job as a U.S. attorney that remotely suggests otherwise.

Yet there has been great delay and obstructionism, in my opinion, in terms of considering this worthy nomination. In fact, even though we are coming up on the 1-year mark of President Bush's nomination of him, he has yet to receive a hearing before the Judiciary Committee because my colleague, Senator LANDRIEU, has not turned in her so-called blue slip.

I rise to make note of this, and in a few minutes I will have a unanimous consent to propose to the Senate to remedy this situation. I have also specifically invited Senator LEAHY, Chairman of the Judiciary Committee, and Senator LANDRIEU, my colleague from Louisiana, to join us on the floor for an appropriate colloquy.

With that introduction, I yield such time as he would consume to my distinguished colleague from Pennsylvania, the ranking member of the Judiciary Committee.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I join the Senator from Louisiana in his request to have a hearing and then proceed with an up-or-down vote. I have reviewed the record of the nominee. It appears to me that the nominee is qualified for the position.

In his service as a U.S. attorney, he has already had Senate confirmation. But the basic proposition of having a hearing and a vote, I think, is very fundamental to so many pending nominees beyond the nominee addressed by the Senator from Louisiana today.

I have discussed this issue on a number of occasions with the senior Senator from Louisiana, and she has been of the view that she ought not to return the blue slip, and I respect her decision. But I also respect the position of Senator VITTER in trying to move forward.

It would be my hope that we could come to some accommodation, that we could find some way to set a timetable for a hearing, at least on that.

Senator VITTER has advised me that he has written to both the distinguished chairman and the senior Senator from Louisiana and that there is to be a unanimous consent request. I know Senator VITTER will await the arrival of someone who can object because my expectation is a unanimous consent request will be objected to. But the issue involved is to raise the issue and to make the point as to what has happened and to try to see if there can be some accommodation, as noted by the floor discussion today.

I see Senator VITTER nodding in the affirmative. In my capacity as ranking member on the Judiciary Committee, I would like to get these nominations to move forward.

I yield the floor.

Mr. VITTER. I thank the distinguished Senator from Pennsylvania, first for his service on the Judiciary Committee; it has been very distinguished, to serve there as many years very ably, now-ranking member, and specifically for his support on this nomination and others to try to break through the gridlock, break through the partisanship, move forward in a positive way for the country.

I believe that is absolutely necessary in a number of cases, but the one that surely hits closest to home for me is this nomination of David Dugas to a judgeship in the Middle District of Louisiana. So I thank the ranking member for all his help and support; I know it will continue.

Again, let me note I wrote to Chairman LEAHY that I would be taking the floor this week to make the upcoming unanimous consent request. I did the same to my colleague from Louisiana, Senator LANDRIEU. As soon as we figured out the time that would be available, we sent them word, and I sincerely hope they can both join me on the floor because I think it would be very useful and very informative to have an appropriate discussion and colloquy about this case. So I certainly invite that. I would encourage them to accept the invitation to join me on the floor.

Let me point out and reiterate some very important points about this nomination. President Bush made the nomination some time ago. That was March of last year. We are coming up quickly on the 1-year mark of this nomination. The vacancy in the Middle District has been open even a little bit longer, over a year.

Because of that, a backlog of cases is quickly mounting in the Middle District. The Middle District is an area surrounding Baton Rouge, LA, the capital of the State. It has felt a huge influx of people, of residents, and of litigation, largely because of Hurricane Katrina.

Because of that, because of this vacancy, judicial backlogs have been mounting and mounting. We are not quite to the point—and this is defined in law and by rules of the court—we are not quite to the point that it is defined as a ''judicial emergency,'' but we are quickly coming up to that line.

So the people of Louisiana, the people of the Middle District are not being served well and properly and as quickly as they should be. This vacancy needs to be filled for that reason.

Now, let us look at the man who President Bush has chosen to fill the

vacancy. By all accounts, he is eminently qualified. Mr. Dugas is the sitting U.S. attorney in the Middle District. He has done a very fine job in that position, has won praise from many different quarters, particularly from law enforcement.

He has many admirers and allies in the law enforcement community: Sheriffs across the State, chiefs of police, district attorneys, many others. They have written in to many of us about this nomination in strong support.

Mr. Dugas was already considered by the Senate, of course he had to be, for his present job of U.S. attorney. He was considered very favorably. In fact, it was considered completely noncontroversial, and he was confirmed swiftly by unanimous consent. In that process, of course, my colleague, Senator LANDRIEU, was here at the time and was part of that very positive sweeping confirmation.

As I said, for this judicial vacancy, Mr. Dugas has received the highest rating possible by the American Bar Association. That is a distinguished professional organization, it is not political, it is certainly not leaning to the right. Nobody would think that. They have rated this nominee of President Bush with their highest rating possible for a judicial nomination.

Yet this languishes and languishes. In another month's time, we are going to be on the 1-year mark of the nomination, with this backlog of cases mounting, as we near a judicial emergency in the district.

I do not think that is right. I do not think that is serving the people of Louisiana at all. I do not think that is serving the people of the country at all.

Mr. Dugas deserves better. More importantly, the people of Louisiana deserve better. The people of Louisiana and of the country want us to act as grownups and to come together and do our work in a timely, respectful way. They don't think this sort of partisanship and obstructionism, particularly over judgeships, falls into that definition.

This got particularly bad a few years ago. I was hopeful. Since I have been here, not because of my influence but just in general, since I got here, the Senate has become more responsive and more responsible about nominations, particularly judicial nominations. Unfortunately, this is a clear example in the other direction. Let's clear up this example. Let's move it off the list of those examples of partisanship and obstruction. Let's act in a reasonable—late, by now, but reasonable way, finally moving forward with this highly qualified nominee before this district gets to a state of judicial emergency, which is looming.

That is my simple and reasonable request. With all that background, I will now propound a unanimous consent request.

I ask unanimous consent that if the Committee on the Judiciary has not held a hearing on PN 349, the nomination of David Dugas of Louisiana to be U.S. district judge for the Middle District of Louisiana, and reported the nomination to the Senate by March 19, 2008, which would be the 1-year anniversary of his nomination being transmitted, that on the next calendar day the Senate is in session, the Committee on the Judiciary be discharged from further consideration of the nomination; that the Senate proceed to executive session to consider the nomination; that there be 1 hour of debate equally divided between the chairman and the ranking member of the Committee on the Judiciary or their designees; that upon the use or yielding back of such time, the Senate immediately proceed to a rollcall vote on the nomination; that if the nomination is confirmed, the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's actions; and that the Senate then resume legislative session.

The PRESIDING OFFICER. The Chair, in my capacity as a Senator from the State of New Jersey and on behalf of the majority leader, objects.

Mr. VITTER. Of course, I am disappointed—not surprised but disappointed—at the objection.

I resume my plea specifically to Senator LEAHY, chairman of the committee, and to Senator LANDRIEU, who has not turned in her blue slip and is thus the reason for the committee not even holding a hearing, that we move beyond this, that we have a hearing on this eminently qualified nominee. If there is a reason to stop the nomination, surely a hearing is the best venue and the best vehicle to illustrate that and talk about it. I hope we move beyond the pure obstructionism and partisanship that has us stuck in the mud with a judicial emergency in the Middle District looming.

This is exactly the sort of obstruction the American people are tired of. They spoke clearly to this over the last several years about judicial nominees. Maybe we got a little better, but here we are again in terms of this matter and this case which is surely important to Louisiana. I urge all of my colleagues to work beyond this. Specifically, I urge the chairman of the Judiciary and Senator LANDRIEU to work beyond this. It is unfortunate that they couldn't accept my invitation to have a useful, informative dialog and colloquy on the issue on the floor. There has been no good explanation for inaction that I have ever heard. A lot of people would like to hear some discussion and explanation. I hope we will hear that soon. I hope in the very near future we will move toward an appropriate resolution of this matter, which is a hearing and a vote in Judiciary and then on the floor of the Senate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, we are considering the intelligence authorization bill. My understanding is later this afternoon we will have, perhaps, a final vote on the bill. There are many important provisions in the bill. Many of us who have been here for some while—from the destruction of the World Trade Center and the murder of thousands of innocent Americans on 9/11, where terrorists used airplanes loaded with fuel as guided missiles to bring down the World Trade Center and attacked the Pentagon and through the subsequent period leading up to the Iraq war—know we have had all kinds of difficulties with the intelligence community.

We have a lot of men and women risking their lives all around the world every day collecting intelligence, and yet most of us have been through top secret briefings that we later find out to have been absolutely false, wrong, just standing facts on their head.

So it is critically important for this country to have a good system of intelligence gathering and good analysis of intelligence if we are going to prevent the next terrorist attack against our country.

It is a difficult world out there. We have terrorists who would like nothing more than to kill Americans and attack our country. So passing an intelligence authorization bill that provides the resources, provides a structure for a good system of intelligence is very important to the safety and the security of this great country. That is what the debate is about. That is what the upcoming vote is about.

But there is one provision that has caused a special concern for some in this Intelligence reauthorization bill, and I want to talk about it a bit. That is the provision that deals with the subject of torture.

One of the most important provisions in this legislation is one that makes the Army Field Manual provisions on interrogations applicable to all U.S. Government personnel. Right now, those provisions which forbid torture apply only to the military. Those provisions do not apply to some others that are conducting interrogations on behalf of our Government. That means that some others who work for the U.S. Government—the CIA, for example; contractors, for example—may use interrogation techniques which may constitute torture and which are forbidden in the Army Field Manual. This legislation incorporates the Army Field Manual provisions on interrogations and says it applies to all personnel from the United States.

Now, why is that important? Because it makes a vote for this bill a vote

against torture. It is a vote that says American values and torture are not in any way compatible. Voting for this bill is a vote for a country that has been looked up to throughout the world because of our system of values. It is that simple, and it is that important.

Let me say that I acknowledge today there are tyrants and despots and dictators and a lot of evil people in this world and throughout history who have used and have always justified the use of torture—but not this country. We have not done that, with the exception of some recent disclosures I will talk about.

Some people argue that this issue of torture is especially about waterboarding. Waterboarding is a more antiseptic term. It should be described as water torture. Some people say that: Well, we have waterboarded. In fact, it has been disclosed by administration officials that we have waterboarded—which is water tortured—three of the most dangerous, despicable terrorists who attacked this United States, and we only did it at a time when we thought they would provide information or had information that would allow us to avoid other catastrophic attacks, and we need to be able to do that again in the future, if necessary, if some despicable terrorist is planning an attack on this country.

Let me talk a little bit about what we are describing here. waterboarding is a practice that has been around for centuries, and it has been known—widely known—as torture for a long time. In fact, waterboarding has been prosecuted as torture and as a war crime on many occasions in history. Trying now to claim it is legal, that it is not torture, or that it is something other than torture doesn't square with the facts. Second, history teaches us that torture is not effective. Aside from the question of morality, it is not effective. Those who know tell us that those being tortured will often tell you anything they think you want to hear in order to have the torture stopped.

The provisions in the Army Field Manual set forth the many approved methods to get reliable information, but those methods do not include what is defined as torture.

The question about torture is: If you decide that torture is appropriate and available as a tool for our country to use, why stop at waterboarding? There are many other forms of torture that are even more heinous, more abusive: putting people in boiling water, pulling out their fingernails, amputations, electric shock. Justifying torture is a very slippery slope that doesn't have a pleasant end for a country that cares about its system of values. We don't do that and haven't done that. We haven't been engaged in torture as a country for a couple of centuries because we don't belong to that group of people in the world who want to do damage and want to commit mayhem and want to kill others. We hold ourselves to a higher standard in this country—always have—a higher standard, a standard that all of us can be proud of.

It is interesting when you think back to the Cold War. We won the Cold War, but we didn't win it with bombs and bullets; we won it with American values and American standards, and American rights. The other evening I saw a very large portion of the Berlin Wall that had been transported to the United States of America. It was a wall that kept the free world out and it was a wall that kept those in East Germany behind it, living in oppression, living in a circumstance where they were denied freedom. I was thinking again about the Cold War and the fact that we didn't win the war with bombs.

I have in my desk something I have had there for a long period of time, if I might show it by unanimous consent. This is a piece of a wing from a Soviet Backfire bomber. This bomber very likely carried a nuclear weapon that would have been used against the United States. Actually, we sawed part of the wing off this Soviet bomber because when the Cold War was over, we reached an agreement to destroy delivery systems. I have also in my desk a hinge. This hinge used to be on a missile silo that held a missile with a nuclear warhead on its tip aimed at a U.S. city. It was in Ukraine. Where that missile used to sit, there are now sunflowers growing. It is now a sunflower field. The missile is gone, the warhead is gone. This bomber is now in pieces.

We won the Cold War. And we have agreements with Russia, Ukraine and other former Soviet republics under which we help destroy their Cold War weapons and delivery systems. But we didn't win the Cold War with bombs; we didn't blow up that Backfire bomber. We didn't blow up the Soviet missile silo with one of our missiles. We won the Cold War because of our values. American values won the Cold War.

What are those values? Well, people are free. They believed what they said. They believed what they wanted. The Government had to respect the rights of everyone in this country. We were a country that had a government based on a Constitution that had a Bill of Rights that applies to all Americans. Our country stood for liberty, human rights, human dignity, the rule of law. That is what won the Cold War. Those values were so strong that in the middle of the Cold War with the Soviet Union, those values shone a light of hope into the darkest cells and the deepest part of the Soviet Union. In the gulag prisons, in the outermost reaches of Siberia, those values reached those cells. Millions of prisoners had been held, often in solitary confinement, simply for thinking and speaking freely. Many were there for years; some swept off the streets, never to reappear again; many tortured into false confessions, and many murdered. Some survived, however, and talked about their experience, and about how important the idea of America was to them, how important the idea of freedom was to those who had been detained and had not been able to experience freedom, and to those who had been tortured by a country that didn't want them to be free. It was a clear and vast difference between America and the Soviet Union. As imperfect as we are, the basic foundation and bedrock of values in this country is what shined so brightly in the middle of the Cold War. It wasn't the amount of bombs and bullets each country had; it was what we stood for.

When the Berlin Wall fell in 1989, the Iron Curtain was lifted, all of those police states crumbled, and every single one of them became free countries that provided freedom to their citizens. Every single one chose freedom and democracy. That is how powerful the idea and the values of this country have been.

What I say today is we have to regain the moral high ground and describe our values in circumstances that make it clear that we do not subscribe to some things others might. We do not support torture. We will not support torture. It is not what our country is about. From the very beginning in this country, America has held itself to a higher standard. George Washington, leading the Continental Army—think about it: 5,000 soldiers in the Continental Army going up against a British Army of 50,000 soldiers, and our 5,000 were shopkeepers and farmers; 5,000 against 50,000, and we prevailed over time. George Washington, after a large number of his troops were captured and slaughtered—he saw the Hessian mercenaries kill unarmed prisoners. After that, George Washington and his troops captured a large number of British soldiers, and many of the troops justifiably wanted revenge. They sought to execute them just as they had seen done to unarmed American prisoners. George Washington refused. He refused to treat the prisoners as his soldiers had been treated. He insisted America was different. He said: We are different, and we are going to treat people the way they should be treated, not the way they treated us, and that has been our birthright.

That is why this discussion right now is so very important. It goes to the core of what we are and who we are as a nation. Quite simply, we have to say unequivocally: We are against torture. We, the Congress of the United States, must say that torture is un-American, simply because it is. No hair splitting, no fancy words, no legal distinction about what might or might not be torture. That will begin to restore, I think, our rightful place if we say we are against torture.

Let me briefly continue to say that being against torture is being for an America that is better than its enemies. It is that simple. I said we fought and won the Cold War after many decades. We faced nuclear annihilation during that period. We faced a

ruthless enemy all around the world, and yet we won that war. We did that with our reputation, our values, and our moral authority intact. It was and still is, I think, a beacon of hope around the world.

Those values and that moral authority, I believe, are what is going to allow us to prevail in the battle against the terrorists who wish to do harm—not just here but in other parts of the world as well. We need—and I believe the world needs—an America that people respect and admire, an America that is different, that begins in a manner that is loud and clear saying: We do not torture. This will empower our country and make us stronger.

I was very disappointed last week to hear the head of our intelligence service, and then to hear a spokesperson for the White House, say: Yes, we have waterboarded. They used the term—the right term—water torture; yes, we have done that. We did it because we must, and we reserve the right to do it again. It is exactly the wrong thing for this country. It is not just me saying that. I am not just quoting George Washington who has established the higher standard, and God bless him for doing so. Let me read what General Petraeus said, who leads the American troops in Iraq right now. Our most senior commander in Iraq, GEN David Petraeus, sent a letter to every Soldier, every Sailor, every Airman, Marine, and Coast Guardsman serving in Iraq. He said this:

> Our values and the laws governing warfare teach us to respect human dignity, maintain our integrity, and do what is right. Adherence to our values distinguishes us from our enemy.
>
> This fight depends on securing the population, which must understand that we—not our enemies—occupy the high ground.

Continuing to quote:

> Some may argue that we would be more effective if we sanctioned torture or other expedient methods to obtain information from the enemy. They would be wrong. Beyond the basic fact that such actions are illegal, history shows us that they also are frequently neither useful nor necessary.

That is General Petraeus, who leads our troops in Iraq, and says those who believe that torture is appropriate would be wrong.

Mr. DURBIN. Will the Senator yield for a question?

Mr. DORGAN. I am happy to.

Mr. DURBIN. I thank the Senator for his comments, and I thank Senator FEINSTEIN for the support language. Some argue that this language was not necessary, that the McCain amendment, which passed 90 to 9, made it clear that whether you are in uniform or not torture is not the policy of the United States. Others argue that the Geneva Conventions had already made that clear for decades before it was brought into question by this administration.

I ask the Senator from North Dakota if he struggles with the same thought that I do. At some point after World War II, we prosecuted Japanese soldiers who tortured American prisoners of war using waterboarding and charged them with war crimes; and we are now at a point in our history, some 60 years later, where General Hayden testifies under oath before Congress that our Nation engaged in the same conduct, at least three times previously, when it came to waterboarding. I wonder if the Senator from North Dakota struggles with the same concept of justice as was applied after World War II and as it appears to be applied by this administration?

Mr. DORGAN. Mr. President, that is a significant contradiction for our country. I was as surprised and disappointed as the Senator from Illinois was to have one of the leading officials in this administration testify under oath that, yes, in fact, waterboarding had been used. It was in fact legal, they said, and it would be used again, if necessary, and could be sanctioned by the President of the United States.

The Senator is correct that this Congress passed a piece of legislation that defined waterboarding as torture and prohibits it, and the President at the White House, in a signing statement accompanying the legislation, essentially said: It doesn't matter so much what the legislation says; what matters is what I will decide to do.

Now, we have a disclosure—a public disclosure—to the world that this country has employed a technique that has, for hundreds of years, been described as torture.

I know and understand the passions that exist. I understand what I would like to see done to Osama bin Laden when he is captured. I understand the passions. But I also understand that what has given this country a different standing in the world is our value system.

Again, let me, if I might, for the Senator from Illinois, refer back to George Washington, which I described earlier before the Senator came on the Senate floor. When I think of the odds facing the Revolutionary Army, it is pretty unbelievable. The Senator from Illinois and I were at Mount Vernon recently, and we saw a display describing that at one point there were 5,000 soldiers in the Continental Army and 50,000 British soldiers. That was the fight. Our soldiers were shopkeepers and farmers, ordinary folks off the street. Theirs were trained British soldiers. So it was 5,000 to 50,000. George Washington and his soldiers saw members of the Continental Army captured and then, unarmed, murdered, executed by the British soldiers and the Hessians.

Washington's soldiers, when capturing some British soldiers, wanted to do the same thing. But he said, nothing doing, we are not going to do that. George Washington said that we are different and we are going to treat people the way they should be treated, not the way they treated us.

When you think of that set of standards and values and then wind your way through the discussion in recent days, and to have a top U.S. official say, yes, we have used waterboarding—and it is widely acknowledged as torture—we used it and it was legal and we intend to use it again if it is necessary.

Mr. DURBIN. I am sure the Senator is aware that this questionable chapter in American history—which I think will haunt us for generations to come—also involves people other than the general who testified. There is an individual who has been nominated by the President to be head of the Office of Legal Counsel, Steven Bradbury. He has been rejected four times by the Senate. The President said last week that he was the most important appointment. A month or two before, he told the majority leader he didn't want to talk about any other appointments until Mr. Bradbury was approved. Bradbury's tenure in the Office of Legal Counsel goes back to the period of time when this administration was rewriting torture policy in America—a policy which they at one point accepted and later rejected. Many of us have said if Mr. Bradbury is coming before us for consideration, we want to see those memos written—memos which James Comey, former Deputy Attorney General, said the United States would be ashamed if they ever became public.

I say to the Senator from North Dakota that not only do we have to do our part, but this administration has to do its part as well. Those who were engaged in this questionable—if not embarrassing, if not shameful—conduct involving torture policy must be held accountable to the administration. They are certainly not deserving of a promotion, which is what they are suggesting for Mr. Bradbury.

I ask the Senator from North Dakota, reflecting on what this administration has been through, the many times they have told us torture was not being used, that waterboarding was not being used, and now with this disclosure of at least three instances admitted under oath, I wonder if even this legislation—including the Feinstein amendment—would restrain this President in the future, in the next few months, as we face challenges that we cannot even imagine at this moment.

Mr. DORGAN. Mr. President, it is far more than disappointing to me, and I think to a lot of people in this Chamber and across the country, that the President received advice from people who work for him in the White House and have said this under oath and on television and in every other venue that under the Commander in Chief powers, the President has the power to do almost anything. He can put out a drift-net and collect every communication under every condition—e-mails and telephone calls. Go to the documentary recently done, entitled ''No Way Out'' and view the interviews by this administration's officials, who take the position that this President has the authority as Commander in Chief to do almost anything. That includes this issue of torture.

The point I make is that we have a piece of legislation that we will vote on later this afternoon. Included in that legislation is a provision that says the Army Field Manual will describe the conditions of interrogation of enemy combatants. I just read what General Petraeus said to all of his soldiers—that torture is inappropriate and will not be allowed. The Army Field Manual prevents torture. What we are saying in the conference report that we will vote on in an hour or two is that the Army Field Manual's restrictions on torture apply to all U.S. Government officials and contractors doing interrogation.

My concern about this administration—and I think it is echoed by the Senator from Illinois—is that they have decided they are not bound by the law, they are not bound by what the Congress enacts. They are doing other sorts of dances with signing statements and interpretations of the Constitution to say that under the Commander in Chief powers they can do almost anything if they believe there is some kind of a threat. That is a very dangerous mind set, in my judgment, for any administration at any time.

Mr. DURBIN. If the Senator will yield for one last question, I thank him for that quote from President Washington which talked about the terrible circumstances the Continental Army faced and how, in those days before there even was an America, they would establish a different set of values in this part of the world. He admonished his troops to live by those values.

I am sure the Senator knows that each year our State Department publishes a report card on human rights of nations around the world. We are critical of nations that engage in torture. We are critical of nations that engage in conduct that is inconsistent with our values. I say to the Senator from North Dakota, how can we maintain that moral status and moral authority if we are found compromising something as fundamental as torture and waterboarding and the Geneva Conventions, which guided us for decades?

Mr. DORGAN. The Senator answers the question by phrasing the question. Let me conclude by saying this: We have 43 top retired military leaders of the U.S. Armed Forces who have written a letter. As one, they say:

> We believe it is vital to the safety of our men and women in the uniform of the United States not to sanction the use of interrogation methods it would find unacceptable if inflicted on our captured Americans.

Today there are men and women fighting for this country. If captured, how would we react if the leader of a group that captured them says: We are torturing them because we feel we can get information, and we can only get it by torturing them, and we believe torture is legal. We are going to waterboard them, we believe it is legal. We have already done it, and we intend to do it again if we need to.

How would we feel if that were somebody else talking about how they are going to treat American soldiers? That is unacceptable. We have a country with a higher moral purpose and standards that have served us for two centuries, and we should not obliterate that just because we have some people in this administration who believe it is appropriate. It is not.

JOHN MCCAIN knows that. He led the fight to put a provision in law that prohibits torture. This President did a signing statement next to the legislation he signed, saying: I don't have to abide by it if I don't feel like it.

That is a scary thought in a democracy. I hope this afternoon we will register a very strong vote in support of this conference report and against the concept of our country engaging in torture.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that the vote on adoption of the conference report to accompany H.R. 2082, the Intelligence Authorization Act, occur at 4:30 p.m. today; that no points of order be in order; and that the time until then be equally divided between the two leaders or their designees.

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

Mr. REID. So there is an equal balance of time in the next—we have 2 hours. I think it should work out fine. Either side will have approximately an hour, so that should work out well.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, I want to follow the lead of the distinguished Senator from North Dakota and my friend, the Senator from Illinois, and continue on this question with the determination the Government has made that waterboarding is legal.

It is a question that matters so much to wary and watchful nations, disheartened and distrustful in the wake of 7 years of failed leadership and broken promises. It is also a question that matters immensely to the billions of men, women, and children around the globe who look to this country, the United States of America, as a beacon of light that shows the way nations ought to act and the way the world ought to be. It is a question that matters to the American people who are sick of asking: Is it wrong? and being told: Well, it depends.

The people of America still do not know how this came about—in particular, how the Department of Justice came to approve this sordid technique. I believe we are in a position where the concerns we have about torture overlap with some of the concerns we have had in this Chamber about the independence and integrity of the Department of Justice. Here is what we know.

We know that Attorney General Michael Mukasey has said that ''the CIA sought advice from the Department of Justice, and the Department informed the CIA that [waterboarding's] use would be lawful under the circumstances and within the limits and safeguards of the program.'' We know in 2002, John Yoo of the Office of Legal Counsel drafted a memo, later approved by Assistant Attorney General Jay Bybee, which reads, in part:

> There is a significant range of acts that, though they might constitute cruel, inhuman, or degrading treatment or punishment, failed to rise to the level of torture.

As Evan Wallach of the Columbia Journal of Transnational Law has written:

> None of the Memo's analysis explains why waterboarding does not cause physical or psychological pain sufficient to meet the criminalization standards it enunciates.

We have asked for further clarification, but in a hearing before the Judiciary Committee, Attorney General Mukasey refused to comment on the legality of waterboarding because the technique was not currently in use and because of what he described as ''the absence of concrete facts and circumstances.'' Even though the Department of Justice is now conducting an investigation into whether tape recordings of alleged waterboarding sessions were improperly destroyed, they would not look into whether the conduct on the tape was in and of itself improper.

The argument is that no one who relies in good faith on the Department's past advice should be subject to criminal investigations for actions taken in reliance on that advice, which raises the question within the question: How did that advice come to be given in the first place?

How did the best and brightest of the Department of Justice overlook the facts of the history of waterboarding prosecutions in which the United States was directly involved, and why was such guidance approved when contravening precedents appear clearly to be in evidence?

Mr. President, I commend to my colleagues the article written by Evan Wallach, Columbia Journal of Transnational Law, entitled ''Drop by Drop: Forgetting the History of Water Torture in U.S. Courts.'' The full cite is 45 Columbia Journal of Transnational Law 468 (2007).

Mr. President, the U.S. Government long considered waterboarding a form of torture, prosecutable as a war crime and punishable accordingly. This history includes war crimes prosecutions against Japanese soldiers who waterboarded American aviators in World War II, the use of water torture by U.S. soldiers in the Philippines, and even an incident of waterboarding by a local sheriff prosecuted by the Department of Justice itself. Let me start with that.

I am reading from the Wallach law review article in which it reports:

> In 1983, the Department of Justice affirmed that the use of water torture techniques was indeed criminal conduct under U.S. law.

A sheriff in a Texas county waterboarded prisoners in order to extract confessions. Count one of the indictment asserted that the defendants conspired to—and this is a quote from the Department's own indictment—''subject prisoners to a suffocating 'water torture' ordeal in order to coerce confessions. This generally included the placement of a towel over the nose and mouth of the prisoner and the pouring of water in the towel until the prisoner began to move, jerk, or otherwise indicate he was suffocating and/or drowning.''

The sheriff and his deputies were all convicted by a jury under count one. It didn't end there. The case then went up on appeal, and the United States Court of Appeals for the Fifth Circuit rendered a decision. I have in my hands *United States of America* v. *Lee*, 744 F.2d 1124, decided in 1984, in which they gave appellate review of these convictions.

Finally, at sentencing, U.S. District Judge James DeAnda's comments, according to the article, were ''He told the former Sheriff that he had allowed law enforcement to fall into 'the hands of a bunch of thugs. The operation down there would embarrass the dictator of a country.' '' That is the opinion of a U.S. district court judge at a sentencing on waterboarding.

How is it that when the Department of Justice, the Office of Legal Counsel were asked for their opinion, they were able to write this opinion? I have it in my hand. This is the unclassified version. It has been substantially redacted. Even so, it is 50 pages long—50 pages long. They did 50 pages of legal research and could not find a U.S. Court of Appeals case in which the Department of Justice itself had brought the charges? Here is the case, United States v. Lee. It describes the facts:

> Lee was indicted along with two other deputies, Floyd Baker and James Glover, and the County Sheriff James Parker, based on a number of incidents in which prisoners were subjected to a ''water torture'' in order to prompt confessions to various crimes.

Throughout the rest of the opinion, these are referred to as ''torture'' and ''torture incidents.''

All one has to have is Lexus or Westlaw and plug in the words ''water torture'' and find this case. How is it possible that the Office of Legal Counsel could not have found this? How is it possible that they could have also missed what the Columbia Law School was able to find—a telegram from Secretary of State Cordell Hull to the Japanese Government objecting to the mistreatment of American prisoners, which included specifically waterboarding and describing the ''brutal and bestial methods of extorting alleged confessions''? That is our Secretary of State in an official communication to the Japanese Government describing, among other tortures, water tortures as brutal and bestial methods to extort alleged confessions. How could they not have found that? How could they not have found the charges the Senator from North Dakota referred to in which Japanese soldiers were brought up on charges in front of military tribunals—military tribunals staffed with American judges, military tribunals staffed with American prosecutors—for waterboarding American prisoners?

Here are some examples. One of the Japanese officers was named Hata and the article describes the charges and specifications against Officer Hata, which included this:

> . . . Hata did, willfully and unlawfully, brutally mistreat and torture Morris O. Killough, an American Prisoner of War, by beating and kicking him, by fastening him on a stretcher and pouring water up his nostrils.
>
> Similarly, Hata did willfully and unlawfully, brutally mistreat and torture Thomas B. Armitage, William O. Cash and Monroe Dave Woodall, American Prisoners of War, by beating and kicking them, by forcing water into their mouths and noses. . . .

The charge and specifications against Officer Asano were:

> Asano did, willfully and unlawfully, brutally mistreat and torture Morris O. Killough, an American Prisoner of War, by beating and kicking him, by fastening him on a stretcher and pouring water up his nostrils. . . .
>
> Asano did, willfully and unlawfully, brutally mistreat and torture Thomas B. Armitage, William O Cash and Munroe Dave Woodall, American Prisoners of War, by beating and kicking them, by forcing water into their mouths and noses. . . .

The charge and specifications against Officer Kita were again, ''willfully and unlawfully, brutally mistreat and torture John Henry Burton, an American Prisoner of War, by beating him and by forcing water into his nose.''

Over and over the testimony describes exactly what we know as waterboarding. The charges and specifications by this tribunal staffed by American officers describe that they did willfully and unlawfully commit cruel, inhuman, and brutal acts and atrocities and other offenses, including strapping them to a stretcher and pouring water down their nostrils, by holding the prisoner's head back and forcing him to swallow a bucketful of sea water over and over and over.

How could they have missed it? How could they have missed it? How could they miss the decision on point by the U.S. Court of Appeals for the Fifth Circuit?

What else do we know about the Office of Legal Counsel? We know that the conditions there were pretty ripe for abuse. We know they were doing this in secret, protected from public scrutiny, protected from peer review, protected from critical analysis under the veil of secrecy, deep secrecy in which they were operating, coming up with the theories as they pleased, thinking they would never see the light of day. So they did not have to do their homework. Somebody might have done a little research and found the Fifth Circuit decision on point, but, no, they did not need to.

It is part of a pattern because, as the Presiding Officer will recall, when I was offered the chance to read the secret Office of Legal Counsel opinions related to the warrantless wiretapping program, I went and took some notes, and when I got back here, I eventually was able to get them declassified. They described other interesting theories that grew in that hothouse of legal ideology, protected from the glare of public scrutiny, ideas such as the President is not obliged to follow Executive orders. He is not obliged to give anybody notice that he is violating Executive orders. He can live in a parallel universe in constant violation of his own Executive orders and nothing is wrong with that, other than, of course, the fact that it completely degrades and destroys the entire structure of Executive orders as a law function of the United States of America.

Another argument is that under article II, the President's power as Commander in Chief, he has the authority to determine what his powers are. Think about that for a moment. They assert article II gives them the authority to decide what the scope of his article II powers are. I seem to remember a decision called Marbury v. Madison saying it is ''emphatically the province of the judicial department to decide what the law is.''

The last one, my personal favorite, is that the Department of Justice is bound by the legal determinations of the President. It is a good thing that was not the case when President Nixon was the President and made the legal determination if the President does it, it doesn't violate the law.

So what on Earth has been going on at the Office of Legal Counsel, an office that used to be distinguished for its probity, for its analysis, for its scholarship, an office on which the Department of Justice relies?

Just as Americans rely on the Department of Justice to provide guidance in our Government, to provide a moral compass within the Department of Justice, the Office of Legal Counsel is supposed to be the place where they try to get it right. How could they try to get it right when they cannot even find a Fifth Circuit Court of Appeals decision on water torture when you are looking up whether it is illegal? If I were a partner in a law firm and a junior associate came to me with a memo such as this that had missed the case on point, do you think he would have much of a career? I don't think so. It is a fatal failure of legal analysis. And yet, where there is supposed to be the very best at the legal counsel of the Department of Justice, they missed all of it. If there has been a systematic breakdown in this institution of Government long known for probity and scholarship, if it has been captured and behind a veil of secrecy rendered a political ideological tool, that is a matter of very legitimate public concern.

I am pleased to say Senator DURBIN and myself have written to the inspector general of the Department of Justice and to the Office of Professional

Responsibility of the Department of Justice to look into exactly that matter.

I thank the Presiding Officer for his patience with me. I thank the distinguished Senator from Florida for his patience.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, we have heard one of the best—I cannot use ''oration'' because it was far superior. It was one of the best explanations of how the Department of Justice has gone awry by the Senator from Rhode Island. I commend the Senator from Rhode Island. I thank him for his legal analysis, and I wish to underscore what he has said, that the reason the Department of Justice was ignoring that Court of Appeals decision, the reason the Department of Justice was ignoring all of the history of the record that has been built over time, of which the Senator cited the statements from World War II, the reason all of that has been ignored or purposely missed is because the Department of Justice became politicized so that politics became the rule of the day instead of the rule of law.

In a nation that recognizes it is a nation of law, not a rule of men, when politics is inserted for law, then we get into the trouble we have gotten into. That is what brings us here.

I have already addressed this subject of why my conclusion, a long deliberative process of coming to the question, that we ought to etch into law the Army Field Manual as the standard by which the intelligence community will carry out their interrogations. That ought to be the law.

I thank the Senators who have spoken in favor of this legislation. We are going to have a chance to vote on it pretty soon. Each of us can determine what we think ought to be representative of America, if it ought to be torture or not. We are clearly going to have an opportunity to say that because we are going to vote on a proposed law that says: Is torture going to be the standard for America?

I wish to speak on another subject, so I guess the appropriate parliamentary procedure is for me to ask consent to speak as in morning business.

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

RAPE AND SEXUAL ASSAULT INVESTIGATIONS

Mr. NELSON of Florida. Mr. President, thus far, the Department of the Army has acknowledged that there have been 124 incidents of sexual assault against contractor and military personnel in Iraq which are currently under investigation. We know of only three of those cases that are now being considered by the Department of Justice and, therefore, the Department of Justice will not respond to my entreaties about this investigation because they say it is an ongoing criminal investigation.

However, in other cases, we have gathered some facts, and these facts have been quite telling. There does not seem to be a standard to protect female contractors or military personnel from sexual assault in Iraq under the jurisdiction of the U.S. Army. The 124 cases of sexual assaults of both contractors and military personnel have been acknowledged just under the Department of the Army. The question is, under the other branches of the service whose contracts are being administered by civilian contractors, how many are there; and are there similar cases in the other theater of operations—Afghanistan as well as in Iraq?

What we also know from the facts we have gathered thus far is the problem is not within the U.S. military nearly so much as it is among contractor personnel because there is a nebulous set of regulations as to how it is to be handled on the reporting of a rape. Untold numbers of sexual assaults have been committed in Iraq, and the Departments of Justice, Defense, and State are providing very little information on whether they have been prosecuted. It is time we have this information.

Last December, I wrote to the Secretary of Defense asking him to launch an investigation by DOD's inspector general into the rape and sexual assault cases in both Iraq and Afghanistan. I sent similar letters to the Secretary of State regarding the investigations carried out under the Bureau of Diplomatic Security, and I requested that the Attorney General update me on the status of the related criminal investigations. I asked whether and why evidence in the sexual assault cases was turned over to the private firms.

I got into this when one of my constituents in Tampa, FL, came forth and told about the assault case. This had followed a Texas case that had been elevated to the public sphere. Apparently, one of these women was assaulted, then went to see the doctor, and a rape kit was prepared by the military doctors. That kit would have the evidence of the rape, and it was turned over to the civilian contractor. Suddenly, the rape kit disappeared.

So the question is, what steps has the Department of Defense taken to ensure the full investigation and prosecution of these cases?

In the meantime, the Department of State has told our office that diplomatic security has investigated four cases. One of them was the Texas lady, and that was where a contractor personnel assaulted another contractor personnel. Another involved a State Department employee who allegedly assaulted a woman employed by a contractor—in this case KBR. Then another case involved two State Department employees. According to the State Department, three of the cases were referred to the Department of Justice for investigation and possible prosecution.

Recently, our Senate staff met with representatives of the Department of Defense IG's office, and we asked them to brief us because of the response received from the Department of Defense, which certainly did not answer my questions. The inspector general's office stated that, and this is what blew our mind, the Army Criminal Investigation Command has investigated 124 cases of sexual assault. Now, that is just the Army, and that is just in Iraq. And that is just in the 3 years of 2005, 2006, and 2007. So what about the other services and what about Afghanistan?

So this naturally leads me to question whether there could be hundreds of additional investigations going on about contractor personnel—specifically in the ones that have come to us, it was the contractor KBR—and it suggests that perhaps there could be many assaults that have not been investigated at all. And because the inspector general's office would not provide information on the disposition of these investigations, it certainly is unclear whether there has been any prosecution of these within the military or the criminal justice systems, or whether it has been dealt with administratively.

Now, one of my Florida constituents was, and I will use the word advisedly, allegedly sexually battered in Iraq in 2005. And although the Naval Criminal Investigative Service was supposed to be investigating her case, they will not even say anything about the basic matters of the case because, the Navy says:

> Law enforcement records are exempt from disclosure at the time requested if it can be reasonably expected to interfere with the enforcement proceedings.

I think we in this Congress, we in the Senate, and those of us on the Senate Armed Services Committee and the Senate Foreign Relations Committee, certainly have an obligation to investigate. Because cases such as this can languish far too long without any information from the Government coming forth in order to protect these individuals.

So I have asked that our office follow up with the Defense Department, with the following detailed questions: The actual numbers of the sexual assault cases reported since 2001 in Afghanistan and since 2003 in Iraq and the disposition of each case. I have asked to have the information of the service components or the Government agencies involved in each resulting investigation. I have asked for the status of the persons involved in each case—in other words, I want to know whether they are Active military, U.S. Government civilian employees, contractor employees or are they an Iraqi or Afghani national.

I have asked for an explanation of the U.S. jurisdiction or the investigative authority for sexual assault allegations in both those areas in which we are engaged—Iraq and Afghanistan. And I have asked for a clear explanation of the rules, regulations, policies, and processes under which sexual assaults are investigated, evidence is obtained, and responsible individuals are held accountable. I have also asked

for a clear explanation of how the Department of Defense divides authority among all its various investigative arms in these sexual assault cases.

I have had to ask these questions because DOD and the Department of State have not been forthcoming. Yet what is being told by some of these assault victims is absolutely horrifying. For example: One female contractor employee, during cocktail conversation, suddenly, totally, passed out. Apparently, her drink had been spiked. She awoke to find out she had been assaulted many times. Upon seeing a military doctor, in fact, that was confirmed and the rape kit was prepared. But when the rape kit was turned over to the contractor, it amazingly disappeared. The evidence disappeared. That contract employee then, upon asking questions, was locked in a container and could not get out of the container to go and tell her story to other personnel of her contractor, and she only got out because she was able to persuade someone to let her use a cell phone to call her father back in the United States. That is how she got out of her confinement.

Now, if all of that is true, there is simply no excuse for this. But what we need to determine is the truth. It is a shame that the senior Senator from Florida has to come to the floor of the Senate to elevate this issue in order to say to the Department of Defense and the Department of State that we want the answers to our questions.

I have asked the questions. I expect, on behalf of the Congress of the United States, that we will get the answers.

I yield the floor.

Mr. President, I ask unanimous consent that the time during the quorum be equally divided between the two sides.

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

Mr. NELSON of Florida. 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. 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 for up to 5 minutes.

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

Mrs. FEINSTEIN. I spoke earlier this morning, so I will be brief.

It would appear that the Senate is poised to pass a measure that would end the debate over torture in our Nation. It would require the CIA to follow the Army Field Manual when it comes to interrogations of detainees, and it would create a uniform standard for interrogation across the Government. It would prohibit waterboarding and certain other coercive interrogation techniques. I deeply believe it will go a long way toward restoring our Nation's credibility.

I have spoken with experts on interrogation, numerous retired three and four star generals, and human rights leaders. From our discussions, I am absolutely convinced that we must have a uniform standard for interrogation of detainees across the Government. That is what putting the CIA under the Army Field Manual would do.

This debate is about values. We are a nation of values, and we believe in the rule of law. It is fair to say that America has been diminished around the world. Our standing is at an all-time low, not only among our allies but also our enemies. This comes from Abu Ghraib. It comes from Guantanamo. It comes from renditions, and it comes from black sites. It comes from waterboarding, a technique used during the Spanish Inquisition to get religious dissenters to publicly disavow their beliefs.

Let me give one example of why a clear, single standard for all detainee interrogation is needed.

Until a couple of weeks ago, the executive branch refused to admit that it had waterboarded anyone.

Then last week, at a public hearing, General Hayden stated that the CIA has waterboarded three detainees: Abu Zubaydah, Abd al-Rahim al-Nashiri, and Khalid Sheikh Mohammed. General Hayden said this was done in the past and would not be used in the future.

In fact, General Hayden said that waterboarding itself was no longer necessary. These were two major revelations. The U.S. Government had, in fact, authorized waterboarding, and we weren't going to do it again.

The very next day, a White House spokesman, Tony Fratto, said the President could reauthorize the use of waterboarding at any time. At this point, we had returned to a state of confusion. The CIA was saying waterboarding was not authorized and not needed. The White House was saying waterboarding was still on the table.

That was not the end. The very next day, General Hayden testified in open session again, this time in front of the House Intelligence Committee. Here is what he said:

> In my own view, the view of my lawyers and the Department of Justice, it is not certain that that technique—

Meaning waterboarding—

> would be considered lawful under current statute. . . .

So here you have a mix of views. Here you have unclear American policy.

The bill which we have before us today clears up that confusion, and it states once and for all what the U.S. Government would do; that there would be 19 specific approaches documented over many pages for each approach in this volume, and 8 specific techniques that are banned, one of which is waterboarding.

So we have the opportunity today to take a stand—to clear the air and to say that the U.S. Government follows uniform specific standards for interrogation of detainees as put forward by the Army Field Manual.

I would like to quote a statement the President of the United States—President Bush—made on June 22, 2004. Here is his quote:

> We do not condone torture. I have never ordered torture. I will never order torture. The values of this country are such that torture is not a part of our soul and our being.

President Bush, if you stand by these words, you will sign this intelligence authorization bill.

Thank you, Mr. President. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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, how much time do I have left out of the 5 minutes?

The PRESIDING OFFICER. A minute and a half.

Mrs. FEINSTEIN. Mr. President, if I may, I very much would like to thank a few people who have been very helpful in this whole thing. The first is David Grannis, my intelligence liaison, who has been with me all the way. I thank the Partnership for a Secure America and the 18 former national security officials who wrote in support of the Army Field Manual.

I thank Senators HAGEL and SNOWE for taking a stand for what is right for America in the Intelligence Committee. I thank our chairman, Senator ROCKEFELLER, for being willing to risk the passage of this legislation by supporting this very important amendment.

I also thank Senator WHITEHOUSE. He offered this amendment when it was in the Senate Intelligence Committee. I thank him for his tireless efforts in support of this conference report. I have seen him on the Senate floor at least twice today. He was a cosponsor of the amendment I offered in the conference, and I know his staff has been very effective in working on this amendment.

I thank Senator TOM CARPER of Delaware who has done a lot of work on this issue on the telephone.

I thank my colleague and friend, Senator RON WYDEN, who came earlier to the floor to speak on this issue.

So there have been many people working toward this vote, and it looks as if it may just happen. I would like them to know that we are very grateful for their support.

Oh, one more: Senator FEINGOLD. Senator FEINGOLD was a cosponsor

when I offered the amendment in the Intelligence Committee. I very much thank him for his steadfastness.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Republican whip.

Mr. KYL. Mr. President, we are going to be voting in about an hour or so on the conference report on the Intelligence Authorization Act. I would like to explain briefly the reasons I think we should vote against that reauthorization.

There are two primary reasons. First has to do with the additional provision that was passed neither by the House nor by the Senate but was dropped into the conference report without Republican involvement; that is, the provision that Senator FEINSTEIN authored that would substitute for the authority that agencies of the United States currently have—agencies such as the Central Intelligence Agency—to interrogate foreign terrorists. It would substitute for the current rules under which they operate the U.S. Army Field Manual.

The U.S. Army Field Manual is a document that is prepared for use for all of our military Armed Forces, to provide rules of the road for them in interrogating enemy prisoners of war. So when they capture someone on the battlefield, in order to ensure that the Geneva Conventions are adhered to, there is a set of guidelines set out in the Army Field Manual that very explicitly explain to our soldiers exactly how they need to treat these prisoners and what kind of interrogation in which they can engage.

A couple of years ago, when the Congress and the administration got together and revised our procedures and the statute dealing with this subject, the explicit decision was made to not have the Army Field Manual govern the interrogations by other Government agencies. That was a wise decision then, and it is a wise decision now.

There are reasons the U.S. Army would want to have a set of rules for soldiers capturing enemies on the battlefield. But there is quite a different situation presented when you have captured a terrorist and you want to interrogate that terrorist and you have at your disposal Central Intelligence Agency trained personnel or other special personnel who are trained in interrogation techniques that comply with the Geneva Conventions accords, are not torture, are authorized by law, but may be outside the particular scope of the Army Field Manual.

This is a gross oversimplification, but for people to generally appreciate what I am talking about, you have all seen movies where a prisoner of war is captured, and they say: Give me your name, rank, and serial number, and that is pretty much all an enemy soldier is required to provide. You cannot torture them to get them to tell you anything beyond those three pieces of information, and that is as it should be.

Interestingly, our terrorist adversaries know well the Army Field Manual, and if they are captured as enemy POWs on the battle ground by U.S. Army personnel, they know precisely what kind of interrogation to expect. In fact, we know they are trained on how to resist the interrogation techniques and not provide information. It would be a horrible mistake for us to assume that the techniques that are appropriate for Army battlefield capture interrogation should apply as well to situations in which a CIA person is interrogating a terrorist—someone who is not fighting for another country in a uniform captured on the battlefield.

That is the essence of the Feinstein proposal, and it is one of the reasons the President has made it very clear that were this conference report to pass, he will veto the bill; indeed, he should.

There are other reasons for the President's decision to veto the bill as well. Let me just mention a couple of them. One of the things that relates to this interrogation matter is a requirement in the bill that a report to Congress must be made of the identity of each and every official who has determined that any interrogation method complies with specific Federal statutes, why the official reached the conclusion, and the related legal advice of the Department of Justice.

This may seem benign on the surface but, I submit, is in the nature of harassment of officials who are trying to make decisions about the application of law. They come to judgments. They advise the people who are asking for the advice, and then action is taken on that basis. If Congress needs a report every time a Government official makes a decision, clearly that agency cannot function.

Secondly, there are too many opportunities for second guessing, too much of an incentive for the people who are doing the work we ask them to do to not make any decisions, not engage in that work because they might make a mistake. This is exactly the kind of ethos we do not want in our intelligence community.

Another requirement of the bill is the creation of another inspector general. We already have inspectors general for each of the elements of the intelligence community, but there would be a new one under the DNI. But his primary responsibility would be to report to Congress rather than the DNI.

There are other requirements for reports that have already occupied far too much attention of our intelligence community. There are requirements for congressional confirmation of several new positions, positions that currently do not require congressional confirmation because they are not political offices. It is the head of the NRO, for example, the head of NSA. These are agencies that have been peopled with professionals, people who do not have anything to do with politics. They should not have to come to the Senate and get grilled by Senators—more importantly, Senators who then might hold them up.

You have heard about the holds Senators place on nominees. I do not know how many executive nominees and judges we have waiting confirmation by the Senate right now, but there are a lot. What happens is, because Senator X does not like the administration's position on something, they decide to put a hold on an important executive branch nominee. As a result, too many positions are vacant today because of unrelated holds by Senators. It just presents the Senate with an additional way to hold up action on people, in effect, to blackmail an administration into doing what it wants.

There are a variety of other problems the President has pointed to in this legislation that will require the President to veto it. But I want to conclude by simply saying that a great deal of credit goes to Senators ROCKEFELLER and BOND for their work in trying to create an authorization bill for the intelligence community against great odds. There is a lot of disagreement among people on the Intelligence Committee itself, as well as others in this body, about what ought to be done, and they came to, in effect, an agreement that except for the Feinstein proposal—that, as I said, was added in the conference; it was not passed by either the Senate or the House—they came to an agreement on a bill that Senator BOND has described as pretty effective.

Hopefully, with the President now indicating he will veto the legislation over the provisions I have identified, and some others, the other side will recognize it is important to fix those problems, clean it up, get a bill back to the President he can sign, and we can move forward.

FISA

Now, the last thing, Mr. President, I want to do is change the subject very slightly because we just had a conversation with the President, who reiterated his deep concern about the apparent unwillingness of the House of Representatives to reauthorize the Foreign Intelligence Surveillance Act so that we can engage in intelligence collection against this country's worst enemies: al-Qaida and other terrorists.

This body, with a vote of 68 to 29—a very bipartisan vote—agreed on a Foreign Intelligence Surveillance Act reauthorization for a period of 6 years. The key feature of it—different from the current law—is retroactive immunity for those telecommunications companies that might have assisted the United States in gathering this intelligence. That was following the Intelligence Committee's work—again, great work; 13 to 2 was the vote in the Intelligence Committee, bipartisan—supporting that legislation. It has now been sent to the House of Representatives. All the House of Representatives needs to do is to take this bill, which has bipartisan support in the Senate, pass it, and send it to the President for his signature.

The President's point, just a few moments ago, to us was it would be an abdication of responsibility for the Congress not to accomplish this result before it leaves on a recess on Friday.

This intelligence collection is critical to the security of the United States. The point of the most recent legislation is to provide retroactive liability protection for those companies that have aided the United States pursuant to its request.

In effect, what happened was the President and the Attorney General requested various telecommunications companies to help us collect electronic information on people we have targeted as necessary for collection purposes. They did not have to do it. They volunteered to help us. They understood the threat to the United States and, like any good citizen would do when called upon by the Commander in Chief, they agreed to assist. Now, some of them have been sued. They are, of course, accountable to their boards of directors who have a responsibility under Federal law to protect shareholder interests.

What some of these companies are finding is an increasing difficulty of assisting the United States and continuing to stay in business. They have their own business responsibilities. They have to engage in activities both in this country and in other countries sometimes. They have to get customers. They have to make business agreements with other parties. When too many other folks say: We don't want to do business with you because of the potential that you are going to be sued or that you have been sued, and then there is the question of whether we are going to be drawn into all that, then it makes it impossible for those companies to assist the United States.

The point is this: There is an increasing concern that some of these companies are not going to be able to provide this assistance to us if we don't solve this retroactive immunity issue. Some people have said: Well, we will simply temporarily extend the existing law. The reason that doesn't solve the problem is because the existing law doesn't provide that retroactive immunity. That is the point of this legislation, and if this legislation doesn't provide that retroactive immunity pretty soon, there could well come a point in time when we don't have any telecommunications companies left doing this work for us to matter.

Mr. WARNER. Mr. President, will the Senator yield?

Mr. KYL. I am delighted to yield to the Senator from Virginia.

Mr. WARNER. Mr. President, I am delighted the Senator from Arizona brought this up because I have participated in a number of debates with our distinguished colleague from Missouri. What we always have to remind our colleagues of, as well as the American public, is that these companies have volunteered. They are not in this for a profit motive. There is some compensation for expenses. They are not unlike the men and women of the Armed Forces, all of whom today are in uniform because they raised their right arm and volunteered. We cannot ask these companies to subject themselves to the uncertainty and the threats associated with legal processes. We are going to lose a very important component of what I call the American spirit: voluntarism. Whether it is in the corporate world, whether it is in the Armed Forces or any other number of activities, we are a Nation known for people who step forward and volunteer.

This is a clear example of how these companies cannot continue under the situation that persists today, because the directors of those companies, their corporate boards, have an obligation to their stockholders. It is a stretch to say to the stockholders, who are part of the voluntarism they are doing to serve the cause of freedom in the United States, that they should be subjected to a lot of court suits.

So I appreciate the Senator bringing this up. It is important. We have to remind our colleagues about it. I am proud of what this Chamber did. They voted it through, very clearly.

Mr. KYL. Madam President, if I could say to the Senator from Virginia, I hadn't thought of putting it quite the way he did. He is, exactly right. We have thousands of young men and women who volunteer to serve their country. What would we think if part of that service means getting sued by somebody? Wouldn't we provide them protection from those kinds of lawsuits? Obviously, we would. The companies that serve us every day when we pick up the phone to make a phone call—we want them to be there to help us—they step forward when the President asks them to volunteer to serve their country, at no profit, as the Senator makes clear, and then they get sued and we are not willing to provide protection to them.

Mr. WARNER. Madam President, I couldn't agree more. Furthermore, the service they are doing by virtue of this voluntarism directly contributes to the safety and the welfare of the men and women in the Armed Forces who are engaged in harm's way beyond our shores.

Mr. KYL. Madam President, that is another very good point.

Mr. WARNER. At this point, we have about run out of time, and I wish to say a few words about the pending matter.

Mr. KYL. Let me conclude these remarks then. The key point I am trying to make is we have related activities. We have the Intelligence Authorization bill on the floor, but we also have a couple of days before this recess to see that the great work the Senate did is adopted by the House of Representatives so the President can sign it.

Having just come from the White House, the President asked us to please convey his sense of concern for the people of this country, for the security of those soldiers whom we sent to do a mission, if we can't get good intelligence on this terrorist enemy, and the only way—the best way we can do that is through the interception of these communications. It cannot be done if there are no telecommunications companies willing to assist us. There could well come a point in time when, because we haven't done our job of providing them liability protection, there is nobody there to provide the help to us.

So I thank the Senator from Virginia, and again I get back to my original point, which was I hope that in a few moments, knowing the President is going to veto this piece of legislation, we will support his position and vote no on the authorization conference report.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Virginia has 23 minutes remaining.

Mr. WARNER. Fine. That is under the control of the distinguished Senator from Missouri, and I will ask for such time as I may need at this point.

I have always considered myself, here in the Senate, to be most fortunate for the various assignments I have had through this being my 30th year. There have been periods when I have served on the Intelligence Committee. I was once the ranking member of the Intelligence Committee. Then, fortunately, I was selected to go back on the Intelligence Committee several years ago. It has been a part of my overall service to the Senate, and indeed to the Nation, to be on that committee.

I was at first introduced to the world of intelligence in 1969 when I was fortunate enough to go to the U.S. Department of Defense at the Pentagon and serve the Navy, first as Under Secretary and then Secretary. So I have actively been involved in the work of the intelligence community for some many years.

I am greatly concerned that we have before us today a piece of legislation which, even though a member of the committee and even though I worked with my colleagues to frame this legislation, I will have to vote against because of the actions that took place in the conference committee where an out-of-scope provision was put in—for the best of intentions, I am sure, but it wasn't carefully thought through, in my judgment, because this provision would say that henceforth, the CIA and the Federal Bureau of Investigation would have to conduct their interrogation procedures in accordance with the Army Field Manual.

I was privileged again to be one of a group of a small number of Senators who, in the year 2005, worked on the Detainee Act and then subsequently, in 2006, worked on other legislation to try to delineate carefully the responsibilities of various agencies and departments of our Government as it related to the all-important collection of our intelligence and a part of that collection procedure being the interrogation

of detainees. Now, we decided, after a lot of careful deliberation of the 2005 act, that we would restrict that to the men and women in the Armed Forces.

There was a very good reason for that. In the course of our conflicts in Iraq and Afghanistan, detainees came into the possession of our field forces, operating in combat conditions most of the times when these detainees were caught, and relatively, so to speak, while the military people are magnificently trained throughout their careers to deal with these situations of combat and the like, very few of them have had the opportunity to get into the profession of interrogation. In order to give them the protection they needed in performing interrogation at what we call the field and tactical level, it was important to draw up this act and to prescribe very clearly for the men and women in uniform—I repeat that: only for the men and women in uniform—very clearly the procedures they must follow to accord the values of our framework of laws, the fact that this is not a nation that stands for torture, and to also give them protection in the event that somehow they were challenged in a court of law, be it a military court or other courts, as to their performance by virtue of their interrogating activities of certain detainees. So there were many reasons to put it all down and say that this is the Army Field Manual, prescribe the authorized techniques, and therefore allow the men and women of the Armed Forces to continue their operations militarily, tactically, and to follow that field manual in such instances where it is necessary to interrogate detainees.

But in the course of that debate—and understandably and I think quite properly—attention was given to whether we should have this type of procedure applicable to all the Government agencies and departments of our Federal Government. The decision was made, and the answer was no—not quickly, no; it was a deliberate no reached after a lot of careful consideration—that this Detainee Act should be for the purpose of our military people, and we purposely did not include the CIA and the FBI. As time evolved into 2006, when we had that legislation, once again we reiterated we would not include either the CIA or the DIA and then in any way at that time legislate their program, other than to say that the conduct of the CIA program and the FBI program has to be in total compliance with all the laws of our land, which in no way sanctioned abusive treatment, torture or those sorts of things. It is not a part of it.

Furthermore, that both the procedures by the CIA and the FBI had to be in compliance with the treaties, the treaty obligations we have, particularly article 3, common article 3, which has been debated so carefully on the floor of the Senate.

So, in effect, what we have before us momentarily in this vote is overruling the decisions that were made by this body in the context of drawing up those two statutes, one in 2005 and one in 2006. So I, for that reason, feel very strongly that I cannot support this. I think it has been indicated that the President doesn't support it and that if this were to arrive at his desk, in all probability, we would have a veto, and that would be regrettable because a lot of work has been put into this bill. There are portions of it that the distinguished Senator from Arizona, Mr. KYL, talked about which hopefully can be corrected. But we need an Intelligence bill. We have marvelous staff in the Senate and others who work on this problem of legislation year after year, and we are long overdue to have an Intelligence bill. It is unfortunate that in the last throes of the legislative process, in a conference, this provision, which we clearly know to be out of scope, was put into the bill, and it is for that reason that I will have to oppose the bill.

There is another reason I would have to oppose it, and that is that the Army Field Manual, again, was for the military, but it is a manual. Certainly, under the current way it is framed and put together in the law, a manual can be changed. So while there are some 19 techniques that are detailed as approved for the use of our troops in the field and elsewhere, who is to say they couldn't add some more and that at that point Congress is not involved. So I am not sure people thought through the technical aspects of this thing, and to me, it is a very unwise decision.

But I wish to reiterate to our colleagues that by virtue of taking the stance I take—and I presume a goodly number of individuals will join in this, unfortunately, and vote against this bill—this is not to say, in any way, that we are sanctioning that the Agency, the CIA, employ techniques which are in any way constituted as abusive treatment of human beings or torture or degrading.

All of that is carefully spelled out in the framework of the laws of 2005 and 2006, and it cannot be done by the agency, nor the FBI—nor are they doing it. The Intelligence Committee has had a series of hearings. We have had the DNI, the Director of the CIA, the head of the FBI, and all of them have been carefully questioned and are on record saying that these procedures, which would be tantamount and antithetical to our laws of 2005 and 2006 are not employed now, and they will not be in the future.

It is for that reason that I will have to oppose this bill. I urge my colleagues to do likewise because we will be taking away from the agencies the ability to perform a very limited number of interrogations, a very limited number—but they do them in an entirely different framework of circumstances, environment, than does the Army or other military members of our Army, Navy, Air Force, and Marine Corps under the Army Field Manual.

The techniques applied by the CIA are in compliance with the laws, but they are not all written up so that a detainee knows full well that if they are apprehended, they will be subjected to the interrogation procedures of the agencies; he would know all about it if it is written up as it is in the Army Field Manual. That would take away a good deal of the psychological impact of highly skilled interrogating procedures. We are about to throw those away, abandon them.

This is a very dangerous and complex world. I sometimes think, in the course of this political campaign, as I listen to my good friends—three of them Members of this Chamber—vying for the Presidency of the United States, the awesome framework of complex situations that is going to face the next President of the United States. I must say, I have a few years behind me, and I have seen a good bit of history in this country, but never before has the next President, whoever it may be—never before have they faced such an awesome, complex situation in the world that is so fraught with hatred and terrorism and threats to the basic freedoms of our Nation and many other nations.

It is going to be a real challenge for that next President to shoulder the responsibilities of Commander in Chief of the Armed Forces of the United States. And this set of procedures that we presently have in place, which complies with the law of our land, which complies with international treaties, must be left intact to enable the Intelligence Committee to conduct their interrogations and do so to produce facts which could very well save this Nation and facts that are, every day, helping to save the men and women of the Armed Forces in uniform wherever they are in the world—primarily in Iraq and Afghanistan—as they pursue their courageous responsibilities on behalf of us here at home.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Madam President, I believe it is important to clear up for the record, for the benefit of my colleagues and the American people, some statements that were made earlier today about waterboarding, interrogation techniques and the Army Field Manual.

During the House and Senate conference for the fiscal year 2008 intelligence authorization bill, an amendment—section 327—was adopted that would prevent any element of the intelligence community from using any interrogation technique not authorized by the Army Field Manual.

Earlier today, we heard that the full membership of the conference committee, the full membership of the House Intelligence Committee and Senate Intelligence Committee all came to the conclusion that all interrogations should be conducted within the terms of the U.S. Army Field Manual.

Let's be clear: this particular amendment only passed by a one-vote margin. The conference was sharply divided on this issue, as reflected by the fact that no House Republicans signed the conference report and only two Senate Republicans signed the report.

The problem with this provision is not that it says that interrogators cannot use certain techniques. Most of the techniques prohibited by the field manual are so repugnant that I think we can all agree they should never be used.

In fact, this vote is not about torture, and it is not about waterboarding. We all think that torture is repugnant. And whether one believes that waterboarding is torture is really irrelevant because waterboarding is not in the CIA's interrogation program.

The problem is that the provision in the conference report establishes a very limited set of techniques, and these are the only techniques that any interrogator may use.

So the vote is really about whether the FBI and CIA should be restricted to a set of 19 unclassified techniques, designed for the Army, which have not been examined fully by some agencies.

If this legislation passes and is signed into law, all of us need to understand fully that FBI and CIA interrogators may only use the 19 techniques authorized in the field manual. And all of us need to understand that no one can say for sure that this will not impact our future intelligence collection.

As CIA Director Hayden has said: ''I don't know of anyone who has looked at the Army Field Manual who could make the claim that what's contained in there exhausts the universe of lawful interrogation techniques consistent with the Geneva Convention.''

If we are going to demand that all Government agencies must use only these techniques, we must make sure that the field manual does not leave out other moral and legal techniques needed by these agencies. And I don't believe that the Intelligence Committee has adequately pursued this issue.

Having a single interrogation standard does not account for the significant differences in why and how intelligence is collected by the military, CIA, and FBI.

Much has been made of the FBI saying that they do not use coercive techniques. That is accurate. The FBI operates in a different world—where confessions are usually admitted into evidence during a prosecution. This means that they have to satisfy standards of voluntariness that do not bind either the military or the CIA.

But significant concerns have been raised about whether the FBI would even be able to conduct ordinary interrogations using only those techniques authorized by the field manual.

A time-honored technique, one that has led to countless successful prosecutions, is deception—for example, telling a suspect that his associate has confessed even though the associate has refused to cooperate. But, it's unclear where this type of deception is authorized in the field manual. So, under this amendment, the FBI could be barred from using this simple, yet invaluable, technique.

FBI lawyers have told us that they need more time to conduct a full legal review of the field manual and determine along with their counterintelligence and counterterrorism divisions what impact using only the field manual would have on interrogations. We should give them time to do this review before we pass a bill that could severely undermine their interrogation practices.

Aside from these concerns, the Army Field Manual on Interrogation was designed as a training document. It is changeable, which means the Congress—and the CIA and FBI have no idea what techniques may be added—or subtracted—tomorrow, next month, or next year. A moving document is not a sound basis for good legislation.

There are also practical consequences to applying this unclassified military training manual to civilian agencies; as we heard earlier, having one standard that can be publicly judged by the entire world. We are talking about intelligence interrogations. We should not broadcast to the world, to our enemies, exactly what techniques our intelligence professionals may use when seeking information from terrorists.

The wide availability of the field manual on the internet makes it almost certain that al-Qaida is training its operatives to resist the authorized techniques.

Supporters of this provision also argue that the Army Field Manual gives interrogators sufficient flexibility to shape the interrogation. Yet, some of the techniques in the field manual are allowed only if the interrogator obtains permission from ''the first O–6 in the interrogator's chain of command.'' What that means is that an interrogator has to get permission from an Army or Marine Corps colonel or a Navy captain before proceeding. So in order to have any flexibility, will the CIA and FBI have to bring colonels and captains to all of their interrogations? These interrogations will get awfully crowded pretty quickly.

We have been told that the field manual incorporates the Golden rule. Do unto others as you would have them do to unto you is an admirable standard. But when dealing with terrorists who have shown no regard for morality, humanity, and decency, it is somewhat out of place.

Do we really expect that if we restrict ourselves to techniques in the Field Manual that al-Qaida will do the same? While we are arguing about whether waterboarding is torture, they are chopping off heads and using women and children to conduct their suicide bombings. Now, I am not suggesting that we resort to their barbaric tactics. I am simply saying that we should not base this important decision that will bind all of our intelligence interrogations on the hope that al-Qaida will discover civility.

Let me also clarify a comment from our distinguished committee chairman about the interrogation of Ibn Shaykh al-Libi. It was suggested that al-Libi lied to interrogators because of the CIA's ''coercive'' techniques. However, al-Libi was not in CIA custody—or foreign custody for that matter—when he made claims about Iraq training al-Qaida members in poisons and gases.

In fact, it was only when al-Libi was interviewed by CIA officers that he recanted his earlier statements.

I believe we still have a lot of work to do before we impose restrictions on CIA and FBI interrogations that could have severe consequences for our intelligence collection.

Now, I want to make clear what my position is here today. For the past several months, I have worked hard to put together a reasonable bill that allows the Intelligence Committees to conduct necessary oversight, while cognizant of the administration's concerns about resources and executive branch prerogatives.

I understand that no administration likes oversight. But oversight is essential to what Congress does: We have an obligation to the taxpayers to make laws and appropriate funds responsibly. And in order to do this, we have to know how the money is being spent and what activities are being conducted.

I have reviewed closely the Statement of Administration Policy on this bill and I am confident that we have addressed or resolved all but one of the concerns listed there. One provision remains that merits a veto and that is the amendment before us: the Army Field Manual interrogation techniques.

At the end of the day, if this provision is removed, I will support this bill. But in its current form, I cannot support it and I urge my colleagues to vote against the conference report.

Mr. President, I thank the distinguished Senator from Virginia, who has played the lead in so many things, such as the Detainee Treatment Act and other major pieces of legislation, for his very thoughtful discussion of these issues.

It has been very troubling to me to hear on the floor today some things about what the CIA does that are absolutely not true. We have heard all kinds of descriptions of techniques that are barred by the Army Field Manual. The techniques barred by the Army Field Manual, the horrors that were outlined, are not tactics the CIA uses. They do not use them. They would probably violate the Geneva Conventions and many other laws, which absolutely do cover interrogations by the CIA. When one raises the spectrum that the CIA may be torturing detainees, No. 1, it is not true; No. 2, for those who know what is going on, it is irresponsible; No. 3, it is the kind of thing

that fuels the media of our enemies. I would not be surprised to see some of these comments reported in Al-Jazeera.

What happened at Abu Ghraib was tragic. There were criminal acts by American troops. We punished them, but nobody talks about the fact that we punished them and sent them to prison. They went to the brig, as they should. Now we have heard discussions attributing to the CIA all manner of activities that are wrong, improper, not usable, and are not used.

I think it is important we clear the record. I wish some of the people who know better would say I didn't mean to say that the CIA does these things, because the people on the Intelligence Committee know precisely what is done and what is not done.

Mr. WARNER. Will the Senator yield for a moment?

Mr. BOND. I am happy to.

Mr. WARNER. As a Senator from Virginia, I am proud to have the CIA principal office in my State. I have been working with them for 30-some-odd years. I have gotten to know many of them through the years. They are not people who would set out to violate the laws of our Nation. They are just like you and me. They have families and the same values we share in the Senate and in our neighborhoods. They do go abroad and assume an awful lot of personal risk on a number of missions. But in terms of following the laws of our Nation, and the international laws, I think they stand head and shoulders, and they are to be commended.

Mr. BOND. Madam President, I thank my distinguished colleague from Virginia. He is one of the real experts in this body on military and intelligence affairs. I can tell you that having talked with General Hayden and the other top officers of the Agency, getting to know Attorney General Mike Mukasey and those other responsible, high-principled officials who are overseeing it, it is not a danger that we are going to see torture or inhumane or degrading treatment used.

Now, again, during the House-Senate conference for the fiscal year 2008 Intelligence authorization bill, an amendment—section 327—was adopted that would prevent any element of the intelligence community from using an interrogation technique not authorized by the Army Field Manual.

Earlier today, it was stated on the floor that the full membership of the conference committee, the full membership of the House Intelligence Committee, and the Senate Intelligence Committee came to the conclusion that interrogations should be conducted within the terms of the U.S. Army Field Manual.

Let me be particularly clear that this amendment only passed by a one-vote margin. The conference was sharply divided on the issue, as reflected by the fact that no House Republicans signed the conference report and only two Senate Republicans signed the report.

The problem with this provision is not that it says the interrogators cannot use certain techniques. Most of the techniques prohibited by the Army Field Manual are so repugnant that I think we can all agree they should not be and would never be used.

In fact, this vote is not about torture or about waterboarding. Despite what you have heard on the floor, it is not about waterboarding. Torture is repugnant. We have stated that time and time again—in the Detainee Treatment Act and in other laws we passed. Whether one believes it is torture is irrelevant because waterboarding is not in the CIA's interrogation program.

The problem is the provision in the conference report establishes a very limited set of techniques, and these are the only techniques any interrogator may use. So the vote is about whether the FBI and CIA should be restricted to a set of 19 unclassified techniques, designed for the Army, which have not been examined fully by some agencies. I say ''19 unclassified techniques'' because those techniques not only have been published widely, but they are included in al-Qaida training manuals. So the al-Qaida high-value leaders—the people with the information—know precisely what it is all about.

If this legislation passes, and were it to be signed into law—which all of us know it will not—we all need to understand fully that the FBI and CIA interrogators may only use the 19 techniques authorized in the field manual. According to the field manual, they would have to get a clearance from an OC–6, a military officer. That was designed for the military, not for the CIA, not for the FBI. When my distinguished colleague from Virginia passed the Detainee Treatment Act, he and the Senator from Arizona, Senator MCCAIN, expressly left the CIA out of the limitations to the Army Field Manual.

As CIA Director Michael Hayden has said:

> I don't know anyone who has looked at the Army Field Manual who could make the claim that what's contained in there exhausts the universe of lawful interrogation techniques consistent with the Geneva Conventions.

He described a whole area of techniques. There are a whole group of techniques that we use on the volunteers who join our Marines, Special Forces, our SEALs, our pilots, which I described earlier today. Many tactics are far more difficult to withstand than the techniques that are used by the CIA in its interrogation.

If we are going to demand that all Government agencies must use only these techniques, we must make sure the Army Field Manual doesn't leave out other moral and legal techniques needed by these agencies. I don't believe the Intelligence Committee has adequately pursued this issue.

How many of those techniques do we want to publish so our al-Qaida targets will know how to resist them? Having a single interrogation standard does not account for the significant differences in why and how intelligence is collected by the military, CIA and FBI, and from whom it is collected.

Much has been made of the FBI saying they do not use coercive techniques. That is accurate. The FBI operates in a different world—where confessions are usually admitted into evidence during a prosecution. This means they have to satisfy standards of voluntariness that do not bind either the military or CIA. When they question somebody, they are trying to stop a terrorist attack from happening in the future. They are in the field. The FBI is investigating a crime that has been committed in the hopes of punishing those people. There are significant concerns about whether the FBI would even be able to conduct ordinary interrogations using the techniques in the Army Field Manual.

A time-honored technique, one that has led to countless successful prosecutions, is deception—for example, telling a suspect that his associate has confessed even though the associate has refused to cooperate. But as I read the Army Field Manual, I don't see that that is authorized. So under this amendment, the FBI could be barred from using this simple, yet invaluable, technique.

FBI lawyers have told us they need more time to conduct a full legal review of the Army Field Manual to determine, along with their counterintelligence and counterterrorism divisions, what impact using only the field manual would have on interrogations. We should give them time to do this review before we pass a bill that could severely undermine their interrogation practices.

Aside from these concerns, the Army Field Manual on Interrogation was designed as a training document. It is changeable, which means the Congress—and the CIA and FBI—has no idea what techniques may be added or subtracted tomorrow, next month or next year.

Are we really ready in this body to define something as a standard, a changing field manual? When do we ever do that, saying everybody has to follow the Army Field Manual, and the Army Field Manual can be changed when and if it is ready. There are practical consequences. The unclassified military training level is not applicable to questioning high-value detainees.

This is, I suggest, a very bad measure. I believe the bill without this amendment would have been a very good one. I cannot urge my colleagues to vote for it.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the conference report to accompany H.R. 2082.

Mr. WARNER. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not been ordered.

Mr. WARNER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Missouri (Mrs. MCCASKILL), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Sentor is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

Further, if present and voting, the Senator from South Carolina (Mr. GRAHAM) would have voted ''nay.''

The result was announced—yeas 51, nays 45, as follows:

[Rollcall Vote No. 22 Leg.]

YEAS—51

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murray
Bayh	Hagel	Nelson (FL)
Biden	Harkin	Pryor
Bingaman	Inouye	Reed
Boxer	Johnson	Reid
Brown	Kennedy	Rockefeller
Byrd	Kerry	Salazar
Cantwell	Klobuchar	Sanders
Cardin	Kohl	Schumer
Carper	Landrieu	Smith
Casey	Lautenberg	Snowe
Collins	Leahy	Stabenow
Conrad	Levin	Tester
Dodd	Lincoln	Webb
Dorgan	Lugar	Whitehouse
Durbin	Menendez	Wyden

NAYS—45

Alexander	Crapo	McCain
Allard	DeMint	McConnell
Barrasso	Dole	Murkowski
Bennett	Domenici	Nelson (NE)
Bond	Ensign	Roberts
Brownback	Enzi	Sessions
Bunning	Grassley	Shelby
Burr	Gregg	Specter
Chambliss	Hatch	Stevens
Coburn	Hutchison	Sununu
Cochran	Inhofe	Thune
Coleman	Isakson	Vitter
Corker	Kyl	Voinovich
Cornyn	Lieberman	Warner
Craig	Martinez	Wicker

NOT VOTING—4

Clinton	McCaskill
Graham	Obama

The conference report was agreed to.

Mr. REID. Madam President, I move to reconsider vote.

Mr. LEAHY. I move to lay that motion on the table.

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

INDIAN HEALTH CARE IMPROVEMENT ACT AMENDMENTS OF 2007—Resumed

Mr. REID. Madam President, I believe the regular order now is Indian Health. I would ask the Chair to report if that is in fact the case.

The PRESIDING OFFICER. That is correct.

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.

Mr. REID. Madam President, Senator TESTER has indicated to me that he has an amendment to work on. There are a number of people who want to offer amendments, and I think it would be to our advantage—it is not as if it is the middle of the night; it is still in the 4s—if there could be some amendments offered. We are going to work on this all day tomorrow and hopefully we can finish it Friday. If not, we are going to stay here until we finish it.

Indian health deserves this. There is no group of people in America who deserves our attention more than Indians. It is that way with the 22 different organizations in Nevada and all over the country. So I would hope we can work together.

I think we have had some success during these first few weeks of this year of Congress. We were at the White House with the President signing the stimulus bill. It is time to celebrate that. Was it everything we wanted? No. But it is good work, and we should all be proud of that.

We passed this conference report on intelligence, and the President will have to make a decision on that in the future, as to what he wants to do, but it is out of this body.

I hope we could move forward on Indian health. We have been waiting years to direct the attention to them. The attention is now directed, and with the result of what has happened here, we can spend some quality time on this matter. I hope those who wanted to offer amendments will do so. We can work into the night. I hope we can have some votes tonight. Senator DORGAN and Senator MURKOWSKI are anxious to move forward.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3900

Mr. SANDERS. Madam President, I wish to call up amendment No. 3900, and I ask for its immediate consideration.

The PRESIDING OFFICER. That is a pending amendment.

Mr. SANDERS. Madam President, this tripartisan amendment is being cosponsored by Senators CLINTON, OBAMA, SNOWE, COLLINS, LEAHY, SUNUNU, KENNEDY, GORDON SMITH, COLEMAN, KERRY, STABENOW, SCHUMER, LAUTENBERG, LINCOLN, KLOBUCHAR, MURRAY, CANTWELL, MENENDEZ, and DURBIN.

This amendment is simple and straightforward. At a time when home heating prices are going through the roof—and I think every Member who goes back to his or her State understands that the cost of home heating oil is soaring—people understand that in areas around this country, including the State of Vermont, the weather has been well below zero. What this amendment would do is provide real relief to millions of senior citizens on fixed incomes, low-income families with children, and people with disabilities.

Specifically, this amendment would provide $800 million in emergency funding for the Low-Income Home Energy Assistance Program—otherwise known as LIHEAP—a program that has won bipartisan support year after year here in Congress because people know it works.

Its goal is simply stated: to keep Americans from going cold in the wintertime. It has done this for years, and we have to appropriate more money to make sure we do that again this year. Specifically, $400 million of the $800 million would be distributed under the regular LIHEAP formula, while the other $400 million would be used under the emergency LIHEAP program.

This amendment has strong support not only from many Members of the Senate and Members of the House, but it has strong support from the National Governors Association, the National Conference of State Legislators, the AARP, the National Energy Assistance Directors Association, and many other groups.

Let me very briefly quote from a letter I received from the National Governors Association in support of this amendment.

> Additional funding distributed equitably under this amendment will support critically needed heating and cooling assistance to millions of our most vulnerable, including the elderly, disabled and families who often have to choose between paying their heating or cooling bills and food, medicine and other essential needs.

According to the National Governors Association, this amendment will provide much needed energy assistance to at least 1 million American families—1 million. Others already receiving LIHEAP will receive more help due to the skyrocketing costs of home heating fuel.

Let me very briefly quote from a letter I recently received from the AARP. This is what the AARP says:

People should not have to choose between heating and eating. Older Americans who are more susceptible to hypothermia and heat stroke know the importance of heating and cooling their homes. They pay their utility bills and skimp on other necessities to get by. However, no one in America should be forced to skip their medications or cut back on essential nutritional needs in order to keep their heat on.

That is from the AARP.

I ask unanimous consent to have these letters printed in the RECORD.

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

AARP,
Washington, DC, January 24, 2008.

Hon. BERNARD SANDERS
U.S. Senate,
Washington, DC.

DEAR SENATOR SANDERS: AARP applauds you for your continued efforts to increase funding for the Low Income Energy Assistance (LIHEAP) program. We thank you for offering an amendment to increase LIHEAP funding for FY 2008 by $800 million on S. 1200, the Indian Health Care Improvement Act Amendments of 2007. We are pleased to support your amendment.

People should not have to choose between heating and eating. Older Americans, who are more susceptible to hypothermia and heat stroke, know the importance of heating and cooling their homes; they pay their utility bills and skimp on other necessities to get by. However, no one in America should be forced to skip their medications or cut back on essential nutritional needs in order to keep their heat on.

LIHEAP helps the poorest of the poor. Nearly three out of four families receiving LIHEAP assistance have incomes of less than 100% of the federal poverty level ($16,600 for a family of three) and almost one in two have incomes less than 75% of the federal poverty level ($12,225 for a family of three).

LIHEAP is serving more households than ever before, but still cannot meet the need. Since 2002, an additional 1.5 million households are receiving LIHEAP assistance. At the same time, requests for LIHEAP assistance in 2006 soared to the highest level in 12 years.

Additional funding is needed now. High energy prices have not gone away and the weather has proven very unpredictable—additional funding is needed now and in the future to protect some of the most vulnerable populations in America. Should you have any questions regarding this request, please contact me or Timothy Gearan of our Federal Affairs staff.

Sincerely,

DAVID P. SLOANE,
Senior Managing Director,
Government Relations and Advocacy.

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, January 24, 2008.

Hon. BERNIE SANDERS,
U.S. Senate,
Washington, DC.

DEAR SENATOR SANDERS: On behalf of the nation's governors, we write to express our support for the Sanders-Snowe amendment to add $800 million in emergency funding to the Low-Income Home Energy Assistance Program (LIHEAP) for FY 2008. We commend you and your colleagues for working in partnership to build bipartisan support for this proposal, and we believe the compromise of splitting this funding equitably between the LIHEAP base formula grant under the ''Tier II'' formula and the contingency fund is a step in the right direction.

Additional funding distributed equitably under this amendment will support critically needed heating and cooling assistance to millions of our most vulnerable, including the elderly, disabled, and families that often have to choose between paying their heating or cooling bills and food, medicine and other essential needs. With greater financial support, states will be better able to increase benefit levels in correspondence with rising energy costs, and to reach at least a million other federally-eligible households who currently do not receive assistance due to funding limitations.

The National Governors Association applauds the bipartisan efforts of you and your colleagues in reaching this compromise, and fully supports adding $800 million to FY 2008 to help LIHEAP respond to the current emergency energy situation.

Sincerely,

JAMES H. DOUGLAS,
Chair, Health and Human Services Committee.
JON S. CORZINE,
Vice Chair, Health and Human Services Committee.

NATIONAL CONFERENCE OF STATE LEGISLATURES,
Washington, DC, January 23, 2008.

DEAR SENATOR, I am writing on behalf of the National Conference of State Legislatures (NCSL) to strongly urge you to support the amendment offered by Senator Sanders and Senator Snowe that would add an additional $800 million to the Low Income Home Energy Assistance Program (LIHEAP) funding for FY 2008. The amendment would divide the additional funding equally between the formula and emergency contingency portions of the program.

LIHEAP is a highly efficient federal block grant program that helps our most vulnerable low-income households pay their heating bills in the winter and cooling bills in the summer. LIHEAP prioritizes at-risk households that shelter America's elderly, disabled, and very young and protects public health and safety by helping low-income families cover energy costs. By leveraging private dollars to supplement federal dollars, LIHEAP has nurtured positive, effective partnerships between the private sector and both federal and our state governments.

Millions of low-income families are burdened with the hardship of paying arrearage from both last winter's heating bills and summer's cooling bills, in addition to grappling with impending and actual shut-off situations. At a time of heightened need and with energy prices expected to continue to climb, state legislatures do not want our citizens choosing between paying an energy bill and putting food on the table, or purchasing necessary medications. For individuals and households facing these difficult choices, funding from LIHEAP makes an intrinsic difference in their ability to address such formidable challenges.

Since LIHEAP's inception, the number of eligible households has increased by 78 per cent, yet in FY 2006, states were only able to serve less than a quarter of the 24.4 million eligible households. An increase in funding for LIHEAP will help ensure that households in all regions are prepared to handle both the cold and warm, and in the past few years unpredictable, weather. NCSL believes that increased LIHEAP funding should be a top priority to help low-income families, senior citizens, and disabled individuals maintain economic stability while addressing ever-increasing energy prices.

We urge you to support the Sanders-Snowe LIHEAP amendment, and to continue the fight for full funding of LIHEAP.

Sincerely,

PETE HERSHBERGER,
Arizona Representative, Chair, NCSL Committee on Human Services & Welfare.

SOUTHERN GOVERNORS' ASSOCIATION,
Washington, DC, December 18, 2007.

STATEMENT ON ADDITIONAL FY 2008 LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP) FUNDING

Due to high and rising energy costs, efforts are underway in Congress to allocate an additional $800 million to the LIHEAP program for FY 2008. Senator Dole has worked with her colleagues from cold weather states on a compromise agreement that would equitably distribute these additional funds by splitting them equally between the LIHEAP base formula grant and the contingency fund. The additional $400 million in the base formula grant would be distributed by the LIHEAP ''tier II'' formula, which bases funding to states on the actual energy needs of low-income households, and therefore provides for equitable distribution to Southern slates.

Recognizing the increasing need for LIHEAP funds and the interest of the Congress in providing these funds, the Southern Governors' Association supports this compromise. SGA supported a similar compromise in FY 2006 when Congress made an additional $1 billion available for LIHEAP, split equally between the base formula grant and the contingency fund.

This compromise is an important step towards the long-term goal of a more equitable distribution of LIHEAP funding among all states. SGA urges Congress to move immediately to address equity as a priority as part of LIHEAP reauthorization.

Mr. SANDERS. I commend subcommittee chairman Senator HARKIN, subcommittee ranking member Senator SPECTER, Appropriations chairman Senator BYRD, and ranking member Senator COCHRAN for providing a total of about $2.6 billion in funding for LIHEAP in the Omnibus appropriations bill. Their job was a difficult one. There was not enough money available to do all that needed to be done, but they did their best for LIHEAP and for our critical needs.

Unfortunately, this $2.6 billion in funding for LIHEAP, while an 18-percent increase from last year, is still 23 percent below what was provided for LIHEAP just 2 years ago. That 23 percent reduction is not even adjusting for inflation. We are talking here about nominal dollars.

Two years ago, the price of heating oil was less than $2.50 a gallon; today, it is over $3.30 a gallon. In central Vermont, we have seen prices as high as $3.73 a gallon this winter for heating oil.

According to the National Energy Assistance Directors Association, due to insufficient funding, the average LIHEAP grant only pays for 18 percent of the total cost of heating a home with heating oil this winter, 21 percent of residential propane costs, 41 percent of natural gas costs, and 43 percent of electricity costs. What this means, in plain English, is that low-income families with children, senior citizens on

fixed incomes, and people with disabilities will have to make up the remaining cost out of their own pockets. The problem is that millions of those people simply do not have the money to make up the difference.

In addition, only 16 percent of eligible LIHEAP recipients currently receive assistance with their home heating bills, and 84 percent of eligible low-income families with children, seniors on fixed incomes, and people with disabilities do not receive any LIHEAP assistance whatsoever due to a lack of funding.

In my State of Vermont, it has been reported that outrageously high home heating costs are pushing families into homelessness. In fact, it is not uncommon for families with two working parents to receive help from homeless shelters in the State of Vermont because they cannot find anyplace else to live in winter.

But this is a national energy emergency certainly well beyond Vermont and well beyond the Northeast. On January 17, 1 day after the President released $450 million in emergency LIHEAP funding, the National Energy Assistance Directors Association testified in front of the Health, Education, Labor, and Pensions Committee field hearing chaired by Senator KENNEDY. Here is what the national energy directors reported on just a few of the States:

In Arkansas, the number of families receiving LIHEAP assistance is expected to be reduced by up to 20 percent from last year unless we get more funding.

The State of Arizona estimates they will have to cut the number of families receiving LIHEAP assistance by 10,000 as compared to last year.

In Delaware, the number of families receiving LIHEAP assistance will be reduced by up to 20 percent.

In Iowa, regular LIHEAP grants have been cut by 7 percent from last year.

In Maine, the average LIHEAP grant will only pay for about 2 to 3 weeks of home heating costs in most homes in that State.

The State of Kentucky could run out of LIHEAP funds in the near future.

In Massachusetts, the spike in energy costs means that the purchasing cost for LIHEAP has declined by 39 percent since 2006.

The State of Minnesota could run out of LIHEAP funding as well.

On and on it goes. In New York State, in Ohio, in Rhode Island, in Texas, in Washington, in State after State the simple arithmetic works out that if the cost of heating fuel is soaring, in order to provide the same benefits to the same number of people, we need to significantly increase our funding for LIHEAP, and we are not doing that. That is what this amendment is about.

There is a lot of discussion on this floor about emergencies. This is an emergency. There is a lot of discussion on this floor about moral values. This is a moral issue. In the United States of America, the wealthiest Nation in the history of the world, millions of senior citizens and low-income parents with kids should not be forced to worry about whether their homes will be warm this winter. People should not have to make the choice between keeping warm or paying for other basic necessities of life. This is an emergency situation. This is a moral situation.

I wish to thank all of the cosponsors who have come on board this legislation. I ask my colleagues to strongly support this amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There does not appear to be a sufficient second.

Mr. SANDERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PRYOR) The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. TESTER. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 4020 TO AMENDMENT NO. 3899

Mr. TESTER. I send amendment No. 4020 to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. TESTER] proposes an amendment numbered 4020 to amendment No. 3899.

Mr. TESTER. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To express the sense of Congress regarding law enforcement and methamphetamine issues in Indian country)

On page 336, between lines 2 and 3, insert the following:

"SEC. 815. SENSE OF CONGRESS REGARDING LAW ENFORCEMENT AND METHAMPHETAMINE ISSUES IN INDIAN COUNTRY.

''It is the sense of Congress that Congress encourages State, local, and Indian tribal law enforcement agencies to enter into memoranda of agreement between and among those agencies for purposes of streamlining law enforcement activities and maximizing the use of limited resources—

''(1) to improve law enforcement services provided to Indian tribal communities; and

''(2) to increase the effectiveness of measures to address problems relating to methamphetamine use in Indian Country (as defined in section 1151 of title 18, United States Code).

Mr. TESTER. Mr. President, this amendment is designed to encourage law enforcement in Indian country—at the local, State, and Federal level—to work together to combat methamphetamine issues. It encourages local, State, and Federal police to enter into memorandums of understanding with tribal law enforcement to pool resources to fight meth addiction. It does not require it; it just encourages it. All four law enforcement entities should collaborate to ensure that all can be done to beat back the meth problems that plague Indian country.

Methamphetamine abuse is an American problem. It infiltrates and devastates communities across the country. Unfortunately, it is a problem that disproportionately impacts tribal communities. American Indians now experience the highest meth usage rates of any ethnic group.

I will give one example. American Indians use methamphetamines 17 times higher than African Americans. The list goes on and on. They are the highest meth usage ethnic group. Beyond the high rate of meth use among American Indians, Alaska natives, and native Hawaiians nationwide, individual Indian tries have been struggling with the impact of meth use on their communities. For example, on the Northern Cheyenne reservation in Montana in 2005, 16 out of 64 babies, or 25 percent, were born to meth-addicted mothers. This number has increased in 2006. We must do everything possible to address this epidemic and protect our children from this scourge of modern society.

In hearings before the Indian Affairs Committee, we heard testimony about Mexican drug cartels targeting rural reservations. They are targeting these vulnerable areas both for the sale of meth and for distribution hubs. Drug smugglers target Indian communities for several reasons: the complex nature of their criminal jurisdiction on Indian reservations and because tribal police forces have been historically underfunded and understaffed. This is a big problem. It is a huge problem in Indian country. We need to encourage Indian tribes, Federal police, local police to sign memorandums of understanding by each of these four different entities—Indian government, State government, local government, and Federal law enforcement agencies. These memorandums will identify specific law enforcement activity and establish exactly what each agency is responsible for.

The feedback we hear is that the memorandums that are in place are working and that the agencies participating in these agreements report a significant increase in communication and a decrease in traffic. This amendment simply asks law enforcement and agencies at every level to work together to beat the meth problem and improve quality of life in Indian country.

By signing memorandums of understanding, our communities will be better prepared to tackle this meth problem. At the same time we foster Indian self-determination and strengthen government-to-government relationships. The amendment will improve Indian

country and, in effect, every community in this country. I encourage my colleagues to join me in voting for this amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, for the information of colleagues, with the agreement of the minority, I ask unanimous consent that we have the vote scheduled at 5:25 and that we have consent that there not be other amendments in order prior to the vote on this amendment.

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

Mr. DORGAN. Mr. President, the issue of methamphetamine on Indian reservations is a dilemma. It is devastating scourge to Indian reservations. The Senator from Montana asks for cooperation of law enforcement jurisdictions to form opportunities to work together. It makes a lot of sense. It is not a mandate. He is not requiring it. But he is shining a spotlight on one of the significant health problems on Indian reservations. If I spent the time to talk to you about the testimony we received in committee hearings about what methamphetamine addiction has done, it is almost unbelievable. I won't describe that in detail here.

I support the sense-of-the-Senate resolution. It makes a great deal of sense.

My colleague from Alaska will no doubt want to give her thoughts. I believe the Senator from Montana will ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I rise in support of the amendment and of the Senator from Montana in this effort. We are using a pretty devastating word here—scourge—but that is what we are talking about when we talk about methamphetamine use as it has come into this country and, more particularly, how it has devastated the American Indian and the Alaska native populations. What more can we be doing? What else can we do to shine the spotlight, to activate those who need to be activated in how do we make a difference? Some would suggest a sense of the Senate that encourages this action entering into a memorandum of understanding between agencies, they should be doing that anyway. They should be. They should be doing it. They should be working to streamline. They should be working to better coordinate. They should be making that difference. Let's encourage them even further by a statement such as the Senator from Montana has suggested. We need to do far more when it comes to meth use and abuse. We need to do far more when it comes to drug abuse in general. I appreciate the focus and attention to this particularly deadly scourge, that of methamphetamine. I will stand with the Senator from Montana and support the amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. I thank the chairman of the committee as well as the ranking member for their support. Anything we can do to help limit the impact of methamphetamine in Indian country and throughout society is a step in the right direction.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 4020. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Missouri (Mrs. MCCASKILL), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Texas (Mrs. HUTCHISON).

The PRESIDING OFFICER (Ms. CANTWELL). Are there any other Senators in the Chamber desiring to vote?

The result was announced —- yeas 95, nays 0, as follows:

[Rollcall Vote No. 23 Leg.]

YEAS—95

Akaka	Dole	Menendez
Alexander	Domenici	Mikulski
Allard	Dorgan	Murkowski
Barrasso	Durbin	Murray
Baucus	Ensign	Nelson (FL)
Bayh	Enzi	Nelson (NE)
Bennett	Feingold	Pryor
Biden	Feinstein	Reed
Bingaman	Grassley	Reid
Bond	Gregg	Roberts
Boxer	Hagel	Rockefeller
Brown	Harkin	Salazar
Brownback	Hatch	Sanders
Bunning	Inhofe	Schumer
Burr	Inouye	Sessions
Byrd	Isakson	Shelby
Cantwell	Johnson	Smith
Cardin	Kennedy	Snowe
Carper	Kerry	Specter
Casey	Klobuchar	Stabenow
Chambliss	Kohl	Stevens
Coburn	Kyl	Sununu
Cochran	Landrieu	Tester
Coleman	Lautenberg	Thune
Collins	Leahy	Vitter
Conrad	Levin	Voinovich
Corker	Lieberman	Warner
Cornyn	Lincoln	Webb
Craig	Lugar	Whitehouse
Crapo	Martinez	Wicker
DeMint	McCain	Wyden
Dodd	McConnell	

NOT VOTING—5

Clinton	Hutchison	Obama
Graham	McCaskill	

The amendment (No. 4020) was agreed to.

Mr. TESTER. Madam President, I move to reconsider the vote.

Mrs. MURRAY. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

AMENDMENT NO. 4022 TO AMENDMENT NO. 3900

Mr. GREGG. Madam President, I send an amendment to the desk.

Madam President, is the Sanders amendment pending?

The PRESIDING OFFICER. The Senator's amendment is pending. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 4022 to amendment No. 3900.

Mr. GREGG. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide funding for the Low-Income Home Energy Assistance Program in a fiscally responsible manner)

Strike all after line 1 and insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

(a) IN GENERAL.—There are authorized to be appropriated, and there are appropriated, out of any money in the Treasury not otherwise appropriated—

(1) $400,000,000 (to remain available until expended) for making payments under subsections (a) through (d) of section 2604 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623); and

(2) $400,000,000 (to remain available until expended) for making payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), notwithstanding the designation requirement of section 2602(e) of that Act (42 U.S.C. 8621(e)).

(b) RESCISSION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, each discretionary amount provided by the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 1844), excluding the amounts made available for the purposes described in paragraph (2), is reduced by the pro rata percentage required to reduce the total amount provided by that Act by $800,000,000.

(2) EXCEPTED PURPOSES.—The reduction under paragraph (1) shall not apply to any discretionary amount made available in the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 1844), for purposes of—

(A) the Department of Defense; or

(B) the low-income home energy assistance program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

Mr. GREGG. Madam President, this amendment is simply an attempt to recognize the need for expanding the LIHEAP program in the face of the dramatic increase in oil prices, but also recognizing that in extending the LIHEAP program for today, we shouldn't send the heating bill for that to our children to pay tomorrow, which is exactly how the Sanders amendment works. It is essentially borrowing money today. That is obviously not good policy.

Clearly, if we have extra heating bills in this country today which should be paid for—and we do—the LIHEAP program does need to be increased because the cost of heating oil has gone up so significantly. We should pay for those costs today. So this amendment takes the Sanders language and pays for it. The Sanders language represents about an $800,000 increase in the LIHEAP program. This would be about a two-tenths-of-1-percent cut across the board in nondefense appropriations in order to pay for that amendment.

It is very simple. It is obviously an attempt to bring some fiscal discipline

but, more importantly, to reflect the fact that if these heating bills are going to be paid for—and they should be paid for—we shouldn't borrow the money to do it. We shouldn't ask our children 10 years, 15 years from now to pay those heating bills, with interest, when the bills are incurred today.

So that is all it does. I appreciate the courtesy of the Senate in allowing me to proceed to offer this amendment. I especially appreciate the courtesy of the Senator from Wyoming.

I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. GREGG. Madam President, I withdraw my request.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

AMENDMENT NO. 3898 TO AMENDMENT NO. 3899

Mr. BARRASSO. Madam President, I ask unanimous consent that the pending amendment be temporarily set aside, and I call up amendment No. 3898.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. BARRASSO] proposes an amendment numbered 3898 to amendment No. 3899.

Mr. BARRASSO. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require the Comptroller General to report on the effectiveness of coordination of health care services provided to Indians using Federal, State, local, and tribal funds)

The Indian Health Care Improvement Act (as amended by section 101(a)) is amended—

(1) by redesignating sections 816 and 817 as sections 817 and 818, respectively; and

(2) by inserting after section 815 the following:

"SEC. 816. GAO REPORT ON COORDINATION OF SERVICES.

''(a) STUDY AND EVALUATION.—The Comptroller General of the United States shall conduct a study, and evaluate the effectiveness, of coordination of health care services provided to Indians—

''(1) through Medicare, Medicaid, or SCHIP;

''(2) by the Service; or

''(3) using funds provided by—

''(A) State or local governments; or

''(B) Indian Tribes.

''(b) REPORT.—Not later than 18 months after the date of enactment of the Indian Health Care Improvement Act Amendments of 2007, the Comptroller General shall submit to Congress a report—

''(1) describing the results of the evaluation under subsection (a); and

''(2) containing recommendations of the Comptroller General regarding measures to support and increase coordination of the provision of health care services to Indians as described in subsection (a).''.

Mr. BARRASSO. Madam President, as a physician I have worked for over two decades to help people stay healthy and to help keep down the costs of their medical care. But health issues go way beyond that of a twisted knee or a painful shoulder.

In my practice I have seen firsthand the obstacles that families face to obtain medical care. Rural hospitals and rural providers must overcome significant challenges to deliver high-quality care in an environment with limited resources.

Our unique circumstances require us to work together to share resources and to develop networks. I think everyone can agree that these same principles are critical to support and modernize the Indian health care delivery system.

The Wind River Reservation, located near Riverton, WY, is the home of 10,415 members of the Eastern Shoshone and Northern Arapaho Tribes. It is the third largest reservation in the United States, covering more than 2.2 million acres.

I recently visited with my friends on the Wind River Reservation. The tribal leaders told me of the hopes they have for their families, their communities, for Wyoming, and for our great Nation. We spent much of the time discussing health care.

Individuals living on the Wind River Reservation have worse than average rates for infant mortality, for suicide, for substance abuse, for unintentional injuries, for lung cancer, for heart disease, and for diabetes. They shared with me how difficult it can be for them to recruit and retain health professionals, to respond effectively to cultural barriers, and to help individuals make better lifestyle changes and choices.

We talked about reauthorization of the Indian Health Care Improvement Act, and that is the bill that is now in front of the Senate. This legislation is important. It is important to give Native Americans the quality care they deserve, but it is also important to support critical health facilities that can help drive economic development and job creation.

When Congress debates improving the Indian health care system, the first instinct is to allocate more financial resources or to create new initiatives. Now, this stems from a strong desire from all of us to help. Yet this same helping hand can produce overlapping government programs, and these will be overlapping programs that are all trying to achieve the same goals.

For example, today, neither the government nor Indian advocacy groups can explain exactly how funds are used to coordinate medical services. The Indian Health Service is not like other Federal health care programs. Congress has only limited access to the research data that is needed to improve Indian health care. If we do not know where the resources are being spent, if we do not know the number of programs dedicated to provide various health care services, and if we do not know how health care services are coordinated, then how can we be certain that we are maximizing our ability to help Native Americans and Alaska Natives?

That is why I have offered amendment No. 3898 today. This amendment requires the Government Accountability Office—the GAO—to submit a report to Congress. The report would lay out how these various government and local programs coordinate health care services in Indian country.

The GAO study would focus on programs such as Medicare, Medicaid, children's health insurance programs, and the Indian Health Service. It also would require the GAO to research how these Federal programs interact with efforts by State, local, and tribal groups to deliver the essential health care services that are so vital to these citizens. By identifying any overlaps in spending, as well as pinpointing the service gaps, then we can develop reasonable, commonsense solutions that streamline and improve Indian health care. This way, we can target Federal funds to programs that are making the greatest impact. Then we can focus on additional areas where Native Americans and Alaska Natives need our support and need more support.

The GAO is well known as the investigative arm of Congress, and it is also known as the congressional watchdog. GAO helps Congress improve the Federal Government's performance and ensures programs meet strict accountability standards.

Now, all of that they do for the benefit of the American people. We rely on their expert recommendations, which are unbiased and are set up to make sound policy decisions. This oversight shows us ways to make government more efficient, more effective, ethical, and equitable. It uncovers what is working and what is not working, and it offers valuable advice on how to fix it. But, most importantly, this oversight helps us plan for the future.

Over the years, the GAO has submitted a few reports dealing with specific Indian health issues. Do any of my colleagues recall the last time the GAO completed a comprehensive Indian health care report?

I am certainly unaware of any recent efforts in this area. How many GAO reports have been released regarding Medicare, Medicaid, and the different health professional programs? I think we all know the answer.

We owe it to Native Americans, to Alaska Natives, and to the American taxpayers to adopt this amendment.

Madam President, I wish to make sure that people of the Wind River Reservation in Wyoming, and all Native American people across America, have equal access to quality, affordable medical care.

The Indian Affairs Committee, of which I am a member, will continue focusing on this issue long after this Indian Health Care Improvement Act is reauthorized.

It is essential that our committee have the information it needs to evaluate the current delivery system—exposing barriers that prevent collaboration, that prevent networking, that prevent innovation, and that prevent the sharing of resources.

It is my hope that this GAO report will help all policymakers begin to understand where the delivery system is working, where it is not, and offer the recommendations that are so important and so needed to streamline and to modernize it.

I encourage my colleagues to support the amendment.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mrs. MURRAY. Madam President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

RETIREMENT OF DR. JAMES ALBERT YOUNG

Mr. REID. Madam President, today I want to recognize and honor an individual who has committed much of his life to the preservation of Western rangeland and its ecosystems. Dr. James Albert Young retired on January 3, 2008, from the U.S. Department of Agriculture Agricultural Research Service after 33 years of dedicated work on issues important to the environmental health of the Great Basin.

The Great Basin is North America's largest desert, encompassing 135 million acres of land between the Rocky and Sierra Nevada Mountains in western North America. It includes parts of Nevada, Utah, Idaho, Oregon, and California. Land in the Great Basin is arid, receiving less than 12 inches of rain annually. Today, population growth, wildfires, and invasive species are reducing the quality of native rangelands at an accelerating rate. Recent studies by the U.S. Geological Survey and others predict that climate change could well be expected to accelerate these changes and associated impacts. Dr. Young's professional life was focused on understanding the specific challenges facing the Great Basin, finding ways to reverse the trends that threaten its environmental health, and educating people about the uniqueness of this beautiful land.

In 1965, Dr. Young started his career with USDA's Agricultural Research Service as a range scientist for the range and pasture unit in Reno, NV. He served as research leader of that unit from 1986 to 1998 and was known by many as the ''Encyclopedia of Western Rangelands.'' Over the years his expertise and commitment to rangeland issues was recognized through various awards, such as United States Department of Agriculture Scientist of the Year, Weed Science Society of America Award of Excellence, Society for Range Management W. R. Chapline Research Award, Outstanding Achievement Award, and Fellow Award, as well as the Society for Range Management Nevada Section Researcher of the Year Award.

The State of Nevada awarded Dr. Young with the very first Nevada Weed Management Award, which they named the ''James A. Young Award,'' for his tireless work on invasive weed management issues. Dr. Young has authored and co-authored over 700 scientific articles, including many books. His books have received national recognition, some of which include ''Collecting, Processing, and Germinating Seeds of Wildland Plants;'' ''Endless Tracks in the Woods''; ''Purshia: The Wild and Bitter Roses''; and ''Cattle in the Cold Desert.'' Dr. Young recently finished a book, ''Cheatgrass: Fire and Forage on the Range,'' which is an illustration of the breadth of knowledge that he has on the most popular weed in the Intermountain West. It is often stated that Dr. Young has probably forgotten more information on the ecology of Western rangelands that most people in resource management will ever learn.

Early in Dr. Young's career he developed the hypothesis that the nature and structure of a wildland plant community is largely controlled by the process that eliminated the previous plant community that occupied the site. Now known as the stand renewal process, this hypothesis is one of his ecological trademarks.

Dr. Young was also an outstanding educator. Over the years, he introduced dozens of high school and college students to the field of range science, some of whom became Area Directors for the Agricultural Research Service. His continued interest in educating natural resource specialists, as well as the general public, on science based management of Natural Resources has been a tremendous achievement over his career.

We owe a great debt to individuals like Dr. Young who, make their life's work protecting our natural world. Thank you, Dr. Young, for all you have done.

GOLD MEDAL FOR AUNG SAN SUU KYI

Mr. MCCONNEL. Madam President, I am proud once again to join my friend and colleague, Senator FEINSTEIN, on a matter involving the promotion of freedom and reconciliation in Burma. Today, we join together in support of awarding the Congressional Gold Medal to Burma's Aung San Suu Kyi.

When first established in 1776, the Congressional Gold Medal was given to military leaders for their achievements in battle. Since that time, it has become America's highest civilian honor, having been bestowed upon great friends of freedom such as Winston Churchill, Nelson Mandela, and Martin Luther King, Jr. Granting Suu Kyi the Gold Medal would continue that same tradition of honoring heroism in the defense of liberty.

For more than 20 years, Aung San Suu Kyi's support for justice and democracy has placed her at odds with the tyranny and oppression of the Burmese junta. She and her supporters have combated the brutality of the junta with peaceful protest and resistance. She has chosen dignity as her weapon, and she has found allies in democracy-loving people around the world to aid her in her struggle.

Even as I speak, Suu Kyi's nonviolent fight for democracy continues. Just last week, the Burmese junta announced that it would hold a general election in 2010. However, under the regime's sham plan for democracy, it would not even permit the country's foremost democracy activist, Suu Kyi, to hold public office.

The military junta is fooling no one with its false promises of reform, least of all, Suu Kyi and her allies. After all, she remains under house arrest, as she has for 12 of the last 18 years. That said, as the regime continues to suppress the voices of freedom and peace, it can be sure that there will be those of us who will stand with Suu Kyi and the people of Burma as they continue their struggle for democracy and justice.

By awarding Suu Kyi the Congressional Gold Medal, we are letting the Burmese military junta and the world know that the people of America will continue to speak out in favor of meaningful reform in her country.

It is particularly fitting that today, February 13 is the birthday of Suu Kyi's father. Aung San helped lead the struggle for Burmese independence after World War II, but was assassinated just before its achievement. What could be a more fitting way to honor the memory of a man who fought for freedom than by rewarding his noble daughter for continuing his legacy? In so doing, we reward them both with the promise that the United States will remain committed to the same cause, that of a peaceful and free Burma.

FISA AMENDMENTS ACT

Mr. REED. Madam President, we have had a lengthy debate, and in the end I decided to vote against final passage of S. 2248, the FISA Amendments Act of 2007.

First, I commend Senators ROCKEFELLER and BOND for recognizing immediately that the Protect America

Act, passed in August, needed modifications. S. 2248 does improve FISA procedures. The bill increases the role of the FISA Court with respect to targeting. It mandates FISA Court review and approval of the minimization procedures governing the protection of identities and nonpublic information about U.S. persons. This bill also provides statutory rules for the use of information acquired under it.

However, when S. 2248 came before the full Senate for debate, I, and many of my colleagues, believed that additional protections and clarifications could and should be added. But it soon became clear that all such measures would be defeated.

I was particularly disappointed that Senator FEINSTEIN's amendment on exclusivity did not pass. I believe it is very important to reiterate that FISA is the exclusive means for conducting surveillance on Americans for foreign intelligence purposes. I would have thought that every member of the Senate would have been interested in clarifying what the administration was authorized to do under the laws that Congress passes rather than allowing the administration to boldly and erroneously assert authorities from the Authorization for the Use of Military Force against al-Qaida and the Taliban. But unfortunately I was wrong.

I also admit that I had serious concerns about granting retroactive immunity to telecommunications companies for actions they may or may not have taken in response to administration requests that may or may not have been legal. One of my concerns is regarding the accessibility of information. First, my colleagues on the Judiciary Committee and Intelligence Committee were allowed to read the necessary documents only after extensive negotiations with the administration. I, and the rest of my Senate colleagues who are not on those committees, were denied access to those documents. In addition, the telecommunications companies who have been named in several lawsuits have been prohibited by the Government from providing any information regarding this issue to the courts, to the plaintiffs, to Members of Congress, or to the public. Yet we were asked to blindly vote for retroactive immunity, which is something I simply could not do. Therefore I supported Senator DODD's amendment to strike immunity, but it did not pass.

I was then willing to consider some compromise approaches, such as the Specter and Whitehouse amendment, which would have substituted the Government for the telecommunications companies in civil suits, or Senator FEINSTEIN's amendment, which would have provided for the FISA Court's review of the telecommunications companies to determine if immunity should apply. However, neither of these amendments was able to secure enough votes to pass. At the end of day, retroactive immunity remained in the bill, setting what I believe could be a dangerous precedent.

S. 2248 is indeed an improvement over the Protect America Act. But in my judgment, it still did not provide enough protections to American citizens and did not provide ample justification for retroactive immunity for telecommunications companies. I therefore voted to oppose the bill. I hope to continue to work with my colleagues to pass the modifications I believe are needed.

Mr. CARDIN. Madam President, I rise today in opposition to final passage of S. 2248, the FISA, Foreign Intelligence Surveillance Act, Amendments Act. I am disappointed that the Senate has failed to adequately improve the Protect America Act, PAA, which Congress enacted in August 2007 and which I voted against.

The President should have the necessary authority to track terrorists, intercept their communications, and disrupt their plots. Congress should make needed changes to FISA to account for changes in technology and rulings from the FISA Court involving purely international communications that pass through telecommunications routes in the United States. While we have a solemn obligation to protect the American people, we must simultaneously uphold the Constitution and protect our civil liberties.

After learning about executive branch abuses in the 1960s and 1970s, Congress passed very specific laws which authorize electronic surveillance. Congress has regularly updated these measures over the years to provide the executive branch the tools it needs to investigate terrorists, while preserving essential oversight mechanisms for the courts and the Congress. FISA requires the Government to seek an order or warrant from the FISA Court before conducting electronic surveillance that may involve U.S. persons. The act also provides for postsurveillance notice to the FISA Court by the Attorney General in an emergency.

I am very concerned that the FISA law was disregarded by the administration and want to ensure that we put an end to this type of abuse. We are a nation of laws, and no one is above the law, including the President and Attorney General. Congress has the right to know the extent of the warrantless wiretapping program and how it was initiated and changed over the years by this administration.

I voted in favor of the Judiciary Committee substitute to the Intelligence Committee bill. The Judiciary Committee version strengthened congressional and judicial review, including increasing the oversight by the FISA Court of the administration's wiretapping program. I am therefore very disappointed that the Senate rejected the Judiciary Committee substitute and that the Senate has rejected numerous amendments—including an amendment that I had offered—to improve this legislation.

I am hopeful that the House will make much needed improvements in this legislation during conference and that I can support balanced legislation that gives the intelligence community the tools it needs to track terrorists and prevent attacks, while maintaining safeguards against the abuse of power by the executive branch. I will continue to work to ensure the safety and security of the American people, as well as their civil liberties. Domestic eavesdropping raises serious and fundamental questions regarding the conduct of the war against terrorism, the privacy rights of Americans, and the separation of powers between the legislative, executive, and judicial branches. Congress must continue to work to strike the right balance, and we have not achieved that goal today.

Mr. KERRY. Madam President, I believe the FISA bill that passed the Senate yesterday could have and should have been a better bill. There is no charitable explanation for why the U.S. Senate failed to pass a bill that demonstrates at once that we can protect our national security and protect the Constitution of the United States and the rights of law-abiding American citizens at the same time.

September 11 was a wakeup call for millions about a global struggle against extremism—and the need to modernize our Government to win that struggle. September 11 also began a debate in our country over how we can win the struggle against extremists without losing sight of who we are and what we value as Americans. Former Supreme Court Justice Sandra Day O'Connor described the challenge best:

> We must preserve our commitment at home to the principles for which we fight abroad.

Congress has a duty to protect the American people—and to protect the Constitution. That is the oath we take. It is a solemn pledge. That is why this debate, and this vote in the Senate is so disappointing: This latest FISA law does not live up to the words we speak when we take that oath in the Senate. Instead, rather than produce a bill that made us stronger in the fight against extremism, colleagues on the other side of the aisle summarily rejected every effort this week to give the President of the United States the added flexibility needed to hunt down and capture terrorists while protecting the rights of law-abiding Americans.

More than 6 years after 9/11, we are still searching to strike this proper balance. Once again, in the latest rushed effort in the face of partisan fear-mongering, the world's greatest deliberate body missed an opportunity to get it right.

Make no mistake, today's bill is a marked improvement over the Protect America Act. But this issue is far too critical to settle for half-measures and insufficient improvements. This bill doesn't do enough to protect independent judicial oversight by the Foreign Intelligence Surveillance Court,

FISC, of sweeping Government powers. It doesn't provide the FISC the authority to assess the Government's ongoing compliance with its wiretapping procedures, and doesn't set limits on the way the Government uses information acquired about Americans.

Instead, this bill leaves Americans vulnerable to continued overreaching by the executive branch. It allows the President to rely on other statutory authorities to circumvent the will of the people and conduct warrantless foreign intelligence surveillance, permits limitless ''fishing expeditions''—so-called bulk collection of all communications between the United States and overseas—and lets the government eavesdrop on Americans under the guise of targeting foreigners—what is known as ''reverse targeting.'' If we have learned anything from over 7 years of the Bush administration, it is that we cannot simply hand them a blank check and trust that they will not abuse it.

The Judiciary Committee's FISA bill recognized the need for this type of robust judicial and congressional oversight in the face of ever-expanding Executive power. It systematically sought to create all of the aforementioned safeguards on liberty, while making sure to give the President the expanded set of tools required to fight terrorism in the digital age. That is the bill we should have passed.

Most importantly, unlike the FISA bill that passed the Senate yesterday, the Judiciary Committee's version did not grant amnesty to telecommunications providers that were complicit in the Administration's warrantless spying program. The administration may well be deliberately stonewalling to avoid a judgment day in court. Yet, today, the Senate rewarded the President's obstructionism, providing him cover to seek political security under the guise of national security. That is wrong. It is also a slap in the face to telecommunications providers like QWEST, which in the difficult days after 9/11, courageously refused to aid the administration's warrantless wiretapping efforts and questioned their legality.

Americans, who are deeply concerned about the secrecy and abuses of power that have marked this administration's years in office, and who are tired of learning information after the fact in our newspapers when whistleblowers leak it, deserve much better. This bill shreds the bipartisan principle that Americans should have their day in court—that accountability should be preserved to adjudicate competing claims and at last shed light on the administration's secret surveillance program. It is for these reasons, after all, that Senator SPECTER, the ranking member of the Judiciary Committee, refused to grant blanket amnesty and, as he put it, ''undercut[] a major avenue of redress.'' If these lawsuits are shielded by Congress, the courts may never rule on whether the administration's surveillance activities were lawful.

An impartial court of law insulated from political pressure is the most appropriate setting in which to receive a fair hearing. That is a far cry from the U.S. Senate wiping the slate clean for the Bush administration. Everyone agrees, if the telecoms followed the law, they should get immunity, as Congress explicitly provided under the original FISA law. But our courts should decide, not Congress—and that is a matter of principle protected in the House's FISA bill.

There is today, as divided as we are, very much that we agree upon: We all want to prevent terrorist attacks, we all want to gather effectively as much intelligence as possible, and we all want to bring those who would attack us to justice before they strike us. But we undermine—not strengthen—our cause when we subvert our Constitution, throw away our system of checks and balances, and disregard human dignity. We also accept a false choice between security and liberty. There is no need to. That is why, yesterday, I stood up for the belief that the rule of law isn't just compatible with—but essential to—keeping our homeland safe. We owe Americans a better FISA bill.

EAST TIMOR

Mr. FEINGOLD. Madam President, I would like to take a moment to note the violent attacks which took place earlier this week on the President and Prime Minster of East Timor, or Timor-Leste as it is also called. The people of East Timor have experienced far too much violence for such a small nation and it is time, once again, for the world to renounce violence as a means to achieving any political agenda. I condemn such acts and urge all parties to seek legitimate peaceful—and political—means to ensure their voices are heard.

Earlier this week, President Jose Ramos Horta was shot by rebel soldiers. This band of rebels, led by the infamous Alfredo Reinado, attacked President Ramos-Horta outside his house. As a longstanding advocate of East Timor's self-determination, I have met President Ramos-Horta and am very troubled by this attempt to take his life and to undermine East Timorese stability and independence. President Ramos Horta is a Nobel Peace Prize winner and is known for his leadership of a nonviolent struggle against the Indonesian occupation. It is precisely because of these honorable principles that he has espoused, in the face of repeated violence, that I am doubly concerned by this recent attack. I am also worried that this violent act could affect the stability and progress of this young country and am pleased that Australia has agreed to send additional soldiers and police officers to address any unrest that might occur in the aftermath of this heinous attack.

I have followed East Timor's ongoing transformation very closely since the disastrous crisis in the late 1990s and have been so pleased to see its successful transition from Indonesian occupation to a U.N. administration to an independent nation over the years. Certainly East Timor's path forward has not been free from challenges but it has moved consistently in the right direction. I have long supported a robust U.N. peacekeeping mission there, I pressed the administration to take a hard line with the Indonesia military as a result, in part, of its actions in East Timor, and I spoke out against the renewed unrest in 2006 which led to a collapse of many key institutions and once again required the international community to step in and play a key role in security reform.

We cannot overlook the significance of these attacks in East Timor as the country stands to chart a course for emerging democracies around the world. A stable East Timor sends a signal that the international community can work collaboratively and consistently for the betterment of a nation—and a people. East Timor has received significant multilateral support over the years and if it fails to develop into a fully functioning and stable democracy, we will need to reexamine what kinds of commitment our nation truly makes to young democracies striving to succeed. For these reasons, I hope this incident is little more than a blip on the radar for Ramos-Horta and that his recovery is a speedy one so he can return to the helm of leadership and finish his term as President.

CELEBRATING OREGON'S BLACK HISTORY

Mr. SMITH. Madam President, each Congress I rise to honor February as Black History Month. Each February since 1926, we have recognized the contributions of Black Americans to the history of our Nation. This month I want to celebrate some of the contributions made by Black Americans in my home State of Oregon.

The story of Abner Hunt Francis, a merchant from Buffalo, NY, is particularly moving. Francis, a man who gravitated to leadership, co-founded the Buffalo City Anti-Slavery Society in 1838 and organized local colored conventions throughout the 1830s and '40s in his native state. In 1851 he left the East Coast for the City of Portland in the Oregon Territory, expecting to encounter freer country on the American frontier.

Francis was disappointed to discover that despite the progressive attitude of its settlers, racist laws still encumbered Oregon Territory. It was not long after opening a boardinghouse that Francis's brother, O. H. Francis, was arrested. O. H. was detained in Portland on the grounds that men and women of color were not legally allowed in Oregon Territory, pursuant to an existing ''exclusion'' law. The case went immediately before a lower court, where it was decided that O. H. would

have 6 months to vacate the territory. Unsatisfied that the judge had given O. H. ample time to leave, the complainant in the case appealed and the matter was elevated to the Territorial Supreme Court.

Abner Francis was incensed by the fact that such a law existed in the so-called free territory of Oregon. He described the plight of his brother and detailed the case made before the Supreme Court in a letter to his friend and fellow civil rights advocate, Frederick Douglass. When Judge Orville Pratt ruled against the defense, giving O. H. 4 months to leave the territory, Abner engaged Col. William M. King, then the representative of Portland's district in the State legislature. Representative KING agreed to try to repeal the law outright. The law was not repealed until 1926, but a group of outraged Portlanders, led by Abner, successfully petitioned for an exemption for O. H.

Douglass wasted no time in publishing Francis's letter. Many abolitionists and civil rights leaders were learning of racial injustices in the undeveloped West for the first time when they read of O. H. Francis's case.

Outspoken men and women like Abner Francis forced Oregonians and the Nation to acknowledge that the bitter struggle for equality was to be fought not just in the East, but also in the farthest reaches of the American West. Francis must be recognized as one of the first vocal advocates for racial equality in Oregon. Today, I honor Abner Hunt Francis for his contributions.

VOTE EXPLANATION

Mrs. MCCASKILL. Madam President, today I attended the funeral of Connie Karr, my neighbor and city councilwoman in Kirkwood, MO, which is my home. Connie Karr died in a tragic attack on the Town Hall of Kirkwood. I was therefore unable to be present for two rollcall votes taken by the Senate. Had I been, I would have voted aye on the motion to invoke cloture on the conference report to accompany H.R. 2082, the Intelligence Authorization Act for fiscal year 2008. I would have further voted aye on final passage of H.R. 2082.

ADDITIONAL STATEMENTS

RECOGNIZING DEBRA BROWN STEINBERG

• Mr. COLEMAN. Madam President, today I want to recognize the accomplishments of Ms. Debra Brown Steinberg. Last year, Ms. Steinberg received the Ellis Island Medal of Honor from the National Ethnic Coalition of Organizations for her services in representing the families of noncitizen victims of the September 11, 2001, terrorist attacks on the World Trade Center. With this award, she joins past notable recipients such as former Presidents Gerald Ford, George H.W. Bush, and Bill Clinton.

Ms. Steinberg has worked tirelessly to help the families of 9/11 victims. She played a leading role in the creation of the New York Lawyers for the Public Interest 9/11 Project shortly after the attacks. Ms. Steinberg was a driving force in the creation of the 9/11 Victims Compensation Fund, which provided a total of $7 billion to the families of those killed in the attacks, and she drafted a substantial portion of the New York 9/11 Victims and Families Relief Act. Over the 6 years following that tragic day, her selfless service to these families has never ceased.

The Ellis Island Medal of Honor is only the latest in a series of honors that have been appropriately awarded to Ms. Steinberg. In 2006, she received the American Bar Association's Pro Bono Publico award for her many extraordinary efforts on behalf of the families of 9/11 victims, which she performed without compensation. Her public services have also been honored twice by the U.S. House of Representatives, in a New York State Senate resolution, and by New York City mayor Michael Bloomberg. Ms. Steinberg's work was also featured in the documentary film entitled ''The Legal Community's Response to September 11th'' and in a similar study entitled ''Public Service in a Time of Crisis.''

Ms. Steinberg's service should serve as an inspiration not only her peers in the legal profession but to all Americans.•

RECOGNIZING THE GARFIELD-PALOUSE HIGH SCHOOL

• Mrs. MURRAY. Madam. President, today I recognize the Garfield-Palouse High School Junior Engineering Technical Society, JETS, design team from Washington State. These outstanding young students and their teacher, Mr. Jim Stewart, are finalists in the National Engineering and Design Challenge.

The Garfield-Palouse JETS team researched and built a prototype paraplegic agricultural lift to meet this year's National Engineering and Design Challenge to design a device to assist disabled people in the workplace. Their work to build this lift was inspired by their desire to help a classmate and will allow access to agriculture equipment for individuals with a disability. Agriculture is an important part of Washington State's economy, and I am pleased these students worked on a project that highlights a local industry and will help individuals with disabilities attain greater independence.

The JETS program at Garfield-Palouse High School is an integral tool to empower students to take a deeper look at understanding and addressing problems that many individuals with disabilities face.

I would like to commend Colby Cocking, Beau Fisher, Spencer Gray, Anna Iverson, Travis Mallett, Sean Neal, Miles Pfaff, Aaron Rager, Katie Redman, Steven Tronsen, and Jim Stewart for their accomplishments. Washington State is fortunate to have a talented and motivated team that placed in the top 5 out of over 100 entries in this unique and rewarding competition. I am proud of the dedication and hard work of these students from Washington State. I wish the team well in the final round of competitions.•

RECOGNIZING SIOUX FALLS SEMINARY

• Mr. THUNE. Madam President, today I wish to recognize Sioux Falls Seminary located in Sioux Falls, SD, as they celebrate their 150th anniversary.

The Sioux Falls Seminary is a North American Baptist Seminary, which prides itself on the strength of their Bible focused curriculum and the valuable hands on ministry experience that they provide their students. The dedication of the Sioux Falls Seminary to educating its students for more than 150 years is truly commendable. I am proud to have such a fine institution in the State of South Dakota.

I would like to offer my congratulations to the Seminary of Sioux Falls on this milestone accomplishment and wish them continued prosperity in the years to come.•

TRIBUTE TO SARA MELLEGARD

• Mr. THUNE. Madam President, today I honor Sara Mellegard of Rapid City, SD, who has been named the Black Hills Workshop Artist of the Year. This is an impressive accomplishment that reflects Sara's hard work and dedication and I am proud to have such a fine young artist representing the state of South Dakota.

Sara has developed her artistic skills with the help of the staff and resources at the Suzie Cappa Center for Art Expression and Enjoyment, which is part of the Black Hills Workshop. In addition to her painting, Sara also draws and works with ceramics. As a result of her award, Sara's work will be displayed at the Suzie Cappa Center, the Dahl Fine Arts Center and a reproduction of one her paintings, Doves, will be available for purchase as a postcard.

It gives me great pleasure to recognize Sara Mellegard and to congratulate her on receiving this well-earned award. I wish her continued success in the years to come.•

TRIBUTE TO JIM WHITE

• Mr. THUNE. Madam President, today I honor Mr. Jim White, who is being recognized by the Wellspring Treatment Center in Rapid City, SD, for his many years of service to the local community, his outstanding generosity, and his dedication to encouraging local small businesses. It is people like Jim who make up the backbone of South Dakota's communities.

Jim White is the owner and founder of Sound Pro, a small business that he has operated for the past 32 years. He began the business as a young man and through hard work and dedication, grew the business into an establishment that is both customer and employee friendly. He has been a shining example of a hard-working and reliable businessman.

In addition to his dedication to the local business community, Mr. White has a special concern for the local young people. After reading a newspaper article about a local girl in need of a kidney transplant, he didn't hesitate to get tested as a potential donor. Upon hearing that he was a perfect match, Mr. White generously and selflessly gave his kidney to the young girl in order to save her life.

Mr. White is not only a generous local businessman, he also actively gives his time as a volunteer for many community organizations. He currently serves as a board member and also participates as a Big Brother mentor himself. Jim is a positive influence and great role model for these boys as well as the rest of his community.

Outside of Big Brothers and Big Sisters, Mr. White also willingly donates his time to mentor those in the community struggling with substance abuse and addiction. Despite his extremely busy schedule, he puts a high priority on encouraging and supporting people in the community from all walks of life. This support is also shown by his service as a member of the board of directors of the Wellspring Treatment Center, a local nonprofit agency that provides treatment and services to young people struggling with behavioral, emotional and chemical dependency problems.

In addition to all of his other commitments, Mr. White is the chairman of the Military Affairs Committee for the Rapid City Chamber of Commerce. He is extremely dedicated to this position and has even been given the title of ''Honorary Commander'' for the Ellsworth AFB Wing Commander.

This honorable recognition is clearly well-deserved. It is dedicated folks like Jim who make up the backbone of South Dakota's communities and it gives me great pleasure to commemorate Jim White on this special occasion and to wish him continued success in the years to come.●

REPORT OF AN EXECUTIVE ORDER BLOCKING THE PROPERTY AND INTERESTS IN PROPERTY OF PERSONS DETERMINED TO HAVE BEEN INVOLVED IN THE CORRUPTION OF SENIOR OFFICIALS OF THE GOVERNMENT OF SYRIA—PM 38

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act, as amended (50 U.S.C. 1701 et seq.)(IEEPA), I hereby report that I have issued an Executive Order taking additional steps with respect to the Government of Syria's continued engagement in certain conduct that formed the basis for the national emergency declared in Executive Order 13338 of May 11, 2004, including but not limited to its efforts to undermine the stabilization and reconstruction of Iraq.

This order will block the property and interests in property of persons determined by the Secretary of the Treasury, after consultation with the Secretary of State, to be responsible for, to have engaged in, to have facilitated, or to have secured improper advantage as a result of, public corruption by senior officials within the Government of Syria. The order also revises a provision in Executive Order 13338 to block the property and interests in property of persons determined by the Secretary of the Treasury, after consultation with the Secretary of State, to be responsible for or otherwise significantly contributing to actions or decisions of the Government of Syria that have the purpose or effect of undermining efforts to stabilize Iraq or of allowing the use of Syrian territory or facilities to undermine efforts to stabilize Iraq.

I delegated to the Secretary of the Treasury the authority to take such actions, after consultation with the Secretary of State, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of my order.

I wish to emphasize, as well, my ongoing concern over the destabilizing role Syria continues to play in Lebanon, including its efforts to obstruct, through intimidation and violence, Lebanon's democratic processes.

I am enclosing a copy of the Executive Order I have issued.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 13, 2008*.

MESSAGES FROM THE HOUSE

At 2:04 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. 29. An act to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California, and for other purposes.

H.R. 2251. An act to extend the Acadia National Park Advisory Commission, to provide improved visitor services at the park, and for other purposes.

H.R. 3332. An act to provide for the establishment of a memorial within Kalaupapa National Historical Park located on the island of Molokai, in the State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to the Kalaupapa Peninsula from 1866 to 1969, and for other purposes.

H.R. 3468. An act to designate the facility of the United States Postal Service located at 1704 Weeksville Road in Elizabeth City, North Carolina, as the ''Dr. Clifford Bell Jones, Sr. Post Office.''

H.R. 3532. An act to designate the facility of the United States Postal Service located at 5815 McLeod Street in Lula, Georgia, as the ''Private Johnathon Millican Lula Post Office.''

H.R. 4203. An act to designate the facility of the United States Postal Service located at 3035 Stone Mountain Street in Lithonia, Georgia, as the ''Specialist Jamaal RaShard Addison Post Office Building.''

H.R. 5135. An act 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.''

H.R. 5270. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 209. Concurrent resolution expressing the sense of Congress that the Museum of the American Quilter's Society, located in Paducah, Kentucky, should be designated as the ''National Quilt Museum of the United States''.

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.

The message further announced that the House has agreed to the following resolution:

H. Res. 975. Resolution relative to the death of the Honorable Tom Lantos, a Representative from the State of California.

At 4:58 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 293. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 29. An act to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2251. An act to extend the Acadia National Park Advisory Commission, to provide improved visitor services at the park, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3332. An act to provide for the establishment of a memorial within Kalaupapa National Historical Park located on the island of Molokai, in the State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to

the Kalaupapa Peninsula from 1866 to 1969, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3468. An act to designate the facility of the United States Postal Service located at 1704 Weeksville Road in Elizabeth City, North Carolina, as the ''Dr. Clifford Bell Jones, Sr. Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3532. An act to designate the facility of the United States Postal Service located at 5815 McLeod Street in Lula, Georgia, as the ''Private Johnathon Millican Lula Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4203. An act to designate the facility of the United States Postal Service located at 3035 Stone Mountain Street in Lithonia, Georgia, as the ''Specialist Jamaal RaShard Addison Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5135. An act 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 Homeland Security and Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

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 the Judiciary.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 2633. A bill to provide for the safe redeployment of United States troops from Iraq.

S. 2634. A bill to require a report setting forth the global strategy of the United States to combat and defeat al Qaeda and its affiliates.

S. 2636. A bill to provide needed housing reform.

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–5047. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''1,3-Dichloropropene and Metabolites; Pesticide Tolerance'' (FRL No. 8345-1) received on February 7, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5048. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of an officer authorized to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–5049. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of (3) officers authorized to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–5050. A communication from the Under Secretary of Defense (Policy), transmitting, pursuant to law, a report relative to the amount of funds the Department intends to obligate for the Cooperative Threat Reduction Program for fiscal year 2008; to the Committee on Armed Services.

EC–5051. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of an officer authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–5052. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a review of the C-5 Reliability Enhancement and Re-Engining Program; to the Committee on Armed Services.

EC–5053. 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 2816) received on February 1, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5054. 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 2835) received on February 1, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5055. 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 2830) received on February 1, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5056. 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 2818) received on February 1, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5057. 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 2827) received on February 1, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5058. 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 2822) received on February 1, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5059. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processors Using Pot Gear in the Bering Sea and Aleutian Islands Management Area'' (RIN0648-XF06) received on February 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5060. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, a report relative to the U.S. Coast Guard's compliance with the Edible Oil Regulatory Reform Act; to the Committee on Commerce, Science, and Transportation.

EC–5061. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television'' (MB Docket No. 07-91) received on February 8, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5062. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, a report relative to the Board's competitive sourcing efforts during fiscal year 2007; to the Committee on Commerce, Science, and Transportation.

EC–5063. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone (including 4 regulations beginning with USCG-2007-0128)'' (RIN1625-AA00) received on February 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5064. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations (including 2 regulations beginning with USCG-2007-0026)'' (RIN1625-AA09) received on February 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5065. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations (including 4 regulations beginning with USCG-2008-0015)'' (RIN1625-AA09) received on February 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5066. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Anchorage Regulations (including 3 regulations beginning with USCG-2007-0023)'' (RIN1625-AA01) received on February 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5067. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations: Recurring Marine Events in the Seventh Coast Guard District'' ((RIN1625-AA08)(USCG-2007-0179)) received on February 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5068. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Potomac and Anacostia Rivers, Washington, DC and Arlington and Fairfax Counties, VA'' ((RIN1625-AA87)(USCG-2008-0005)) received on February 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5069. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations (including 3 regulations beginning with USCG-2007-0146)'' (RIN1625-AA09) received on February 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5070. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Tampa Bay, Port of Tampa, Port of St. Petersburg, Rattlesnake, Old Port Tampa, Big

Bend, Weedon Island, and Crystal River, Florida'' ((RIN1625-AB17)(CGD01-04-133)) received on February 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5071. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Tampa Bay, Port of Tampa, Port of St. Petersburg, Rattlesnake, Old Port Tampa, Big Bend, Weedon Island, and Crystal River, Florida'' ((RIN1625-AA87)(USCG-2007-0062)) received on February 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5072. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone (including 2 regulations beginning with USCG-2007-0093)'' (RIN1625-AB87) received on February 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5073. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Landowner Defenses to Liability Under the Oil Pollution Act of 1990: Standards and Practices for Conducting All Appropriate Inquiries'' ((RIN1625-AB09)(Docket No. USCG-2006-25708)) received on February 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5074. A communication from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996; Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers, Fourth Report and Order'' (FCC 07-223) received on February 8, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5075. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Meetetse, Wyoming, Fruita, Colorado, Ashton, Burley, Dubois, Idaho Falls, Pocatello, Rexburg, Shelley, Soda Springs, and Weston, Idaho, Lima, Montana, American Fork, Ballard, Brigham City, Centerville, Delta, Huntington, Kaysville, Logan, Manti, Milford, Naples, Oakley, Orem, Price, Randolph, Roosevelt, Roy, Salina, South Jordan, Spanish Fork, Vernal, Wellington, and Woodruff, Utah, Diamondville, Evanston, Kemmerer, Marbleton, Superior, Thayne, and Wilson, Wyoming'' (MB Docket No. 05-243) received on February 8, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5076. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2008 Bering Sea Pollock Total Allowable Catch Amount'' (RIN0648-XE78) received on February 1, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5077. A communication from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Direct Investment Surveys: BE-12, 2007 Benchmark Survey of Foreign Direct Investment in the United States'' (RIN0691-AA64) received on February 1, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5078. A communication from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Direct Investment Surveys: BE-11, Annual Survey of U.S. Direct Investment Abroad - 2007'' (RIN0691-AA63) received on February 1, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5079. A communication from the Senior Procurement Executive and Director, Office of Acquisition Management and Financial Assistance, Department of Commerce, transmitting, pursuant to law, a report relative to the Department's competitive sourcing efforts during fiscal year 2007; to the Committee on Commerce, Science, and Transportation.

EC–5080. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2008 Gulf of Alaska Pacific Cod Total Allowable Catch Amount'' (RIN0648-XE80) received on February 1, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5081. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Temporary Rule; Inseason Bluefish Quota Transfer from FL to NY'' (RIN0648-XE43) received on February 1, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5082. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Chiniak Gully Research Area for Vessels Using Trawl Gear'' (RIN0648-XE81) received on February 1, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5083. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Reapportionment of Surplus Pacific Whiting Allocation'' (RIN0648-XE38) received on February 1, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5084. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule for the Regulatory Amendment to Revise Vermilion Snapper Regulations Under the Fishery Management Plan for the Reef Fish Fishery of the Gulf of Mexico'' (RIN0648-AV45) received on February 1, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5085. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''2008 Specifications for the Summer Flounder, Scup, and Black Sea Bass Fisheries'' (RIN0648-XC84) received on February 1, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5086. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Inseason Action, Temporary Rule, Georges Bank Yellowtail Flounder Possession Limit Reduction'' (RIN0648-XE82) received on February 1, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5087. A communication from the Director, Office of Civilian Radioactive Waste Management, Department of Energy, transmitting, pursuant to law, the Office's Annual Report for fiscal year 2006; to the Committee on Energy and Natural Resources.

EC–5088. A communication from the Executive Director, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Update of the Federal Energy Regulatory Commission's Fees Schedule for Annual Charges for the Use of Government Lands'' (FERC Docket No. RM08–6–000) received on February 12, 2008; to the Committee on Energy and Natural Resources.

EC–5089. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled ''Performance Profiles of Major Energy Producers 2006''; to the Committee on Energy and Natural Resources.

EC–5090. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Certification of Tunnel Ventilation Systems in the Metropolitan Boston Air Pollution Control District'' (FRL No. 8527–5) received on February 12, 2008; to the Committee on Environment and Public Works.

EC–5091. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans for Air Quality Planning Purposes; Georgia: Early Progress Plan for the Atlanta 8-Hour Ozone Nonattainment Area'' (FRL No. 8528–8) received on February 12, 2008; to the Committee on Environment and Public Works.

EC–5092. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Louisiana's Petition To Relax the Summer Gasoline Volatility Standard for the Grant Parish Area'' (FRL No. 8529–2) received on February 12, 2008; to the Committee on Environment and Public Works.

EC–5093. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Nonattainment and Reclassification of the Imperial County, 8-Hour Ozone Nonattainment Area'' (FRL No. 8528–4) received on February 12, 2008; to the Committee on Environment and Public Works.

EC–5094. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maine; Conformity of General Federal Actions'' (FRL No. 8517–6) received on February 7, 2008; to the Committee on Environment and Public Works.

EC–5095. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Ohio; Oxides of Nitrogen Budget Trading Program'' (FRL No. 8526–8) received on February 7, 2008; to the Committee on Environment and Public Works.

EC–5096. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Regulation No. 7, Section XII, Volatile Organic Compounds From Oil and Gas Operations'' (FRL No. 8521–5) received on February 7, 2008; to the Committee on Environment and Public Works.

EC–5097. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; New Jersey; Zero-Emission Vehicle Component of the Low Emission Vehicle Program'' (FRL No. 8522–3) received on February 7, 2008; to the Committee on Environment and Public Works.

EC–5098. 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 ''Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates'' (Notice 2008–24) received on February 7, 2008; to the Committee on Finance.

EC–5099. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to Medicare beneficiaries with specified chronic conditions who are deemed to be homebound; to the Committee on Finance.

EC–5100. A communication from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (22 CFR Parts 4022 and 4044) received on February 12, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–5101. A communication from the Secretary of Education, transmitting, pursuant to law, a report relative to the Department's competitive sourcing efforts during fiscal year 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–5102. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Health, received on February 12, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–5103. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, (3) reports relative to vacancy announcements within the Department, received on February 1, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–5104. A communication from the Acting Controller, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the Federal Financial Management Report for fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5105. A communication from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, justification of its budget estimates for fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–5106. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–290, ''Juvenile Speedy Trial Equity Temporary Act of 2008'' received on February 12, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5107. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–281, ''Non-Resident Taxi Drivers Registration Amendment Act of 2008'' received on February 12, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5108. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–282, ''SafeRx Amendment Act of 2008'' received on February 12, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5109. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–283, ''Disposition and Redevelopment of Lot 854 in Square 441 Approval Act of 2008'' received on February 12, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5110. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–285, ''District of Columbia Public Library Retirement Incentive Temporary Act of 2008'' received on February 12, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5111. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–286, ''Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Amendment Act of 2008'' received on February 12, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5112. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–287, ''Minority and Women-Owned Business Assessment Act of 2008'' received on February 12, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5113. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–288, ''Excellence in Local Business Contract Grading Act of 2008'' received on February 12, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5114. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–289, ''National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Act of 2008'' received on February 12, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5115. A communication from the Secretary, Judicial Conference of the United States, transmitting, the report of two courts improvement proposals adopted in September 2007; to the Committee on the Judiciary.

EC–5116. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Loan Guaranty: Loan Servicing and Claims Procedures Modifications'' (RIN2900–AL65) received on February 1, 2008; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 439. A resolution expressing the strong support of the Senate for the North Atlantic Treaty Organization to enter into a Membership Action Plan with Georgia and Ukraine.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BIDEN for the Committee on Foreign Relations.

*John E. Osborn, of Delaware, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2009.

*Mark McKinnon, of Texas, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2009, to which position he was appointed during the last recess of the Senate.

*Joaquin F. Blaya, of Florida, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2008.

*Joaquin F. Blaya, of Florida, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2011.

*Edward E. Kaufman, of Delaware, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2009.

*Susan M. McCue, of Virginia, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2010.

*Dennis M. Mulhaupt, of California, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2008.

*Steven J. Simmons, of Connecticut, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2009.

*William J. Hybl, of Colorado, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2009.

*Elizabeth F. Bagley, of the District of Columbia, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2008.

*James K. Glassman, of Connecticut, to be Under Secretary of State for Public Diplomacy with the rank of Ambassador.

*Ana M. Guevara, of Florida, to be United States Alternate Executive Director of the International Bank for Reconstruction and Development for a term of two years.

*Goli Ameri, of Oregon, to be an Assistant Secretary of State (Educational and Cultural Affairs).

*Larry Woodrow Walther, of Arkansas, to be Director of the Trade and Development Agency.

*Hector E. Morales, of Texas, to be Permanent Representative of the United States of America to the Organization of American States, with the rank of Ambassador.

*David J. Kramer, of Massachusetts, to be Assistant Secretary of State for Democracy, Human Rights, and Labor.

*Jeffrey J. Grieco, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

*James Francis Moriarty, of Massachusetts, 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 People's Republic of Bangladesh.

Nominee: James Francis Moriarty.

Post: Dhaka, Bangladesh.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse, Lauren Moriarty, none.

3. Children and spouses: T.F. Mana Moriarty, none; Kathleen K. Moriarty, none.

4. Parents: William Moriarty (deceased); June Buckley (deceased).

5. Grandparents: Rene Provencal (deceased); Carmel Provencal, none.

6. Brothers and Spouses: Philip G. Moriarty (single), none; Mark F. Moriarty (single), none.

7. Sisters and Spouses: Margaret Staruk, none; Harry Staruk, none.

*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.

Nominee: Margaret Scobey.

Post: Ambassador to Egypt.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self: none.

2. Spouse: n/a.

3. Children and Spouses: n/a.

4. Parents: James L. and Dolores K. Scobey (deceased). Grandparents: W.C. and Viola Scobey (deceased); John and Theodora Koshalek (deceased).

5. Brothers and Spouses: James L. and Janet Scobey: 25.00, 2006, Mel Martinez; 25.00, 2006, Tom Feeny; 25.00, 2006, Bill McCollum. Martin W. and Mary Scobey: none.

6. Sisters and Spouses: n/a.

*Deborah K. Jones, of New Mexico, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Kuwait.

Nominee: Deborah Kay Jones.

Post: U.S. Embassy Kuwait.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, Donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses: Minor children, Ana (15), and Isabella (11) Olson, none.

4. Parents: Lavar Allred Jones (deceased June 1999), father; Corina Ringius Nolting, mother, none.

5. Grandparents: Leland James Jones (deceased 1986); Minnie Louise Jones (deceased 1968); Carlos Fortunato Ringius (deceased—Argentine national); Ana Maria Tiscornia (deceased—Argentine national).

6. Brothers and Spouses: unknown; Lavar Allred Jones, Jr.—no contact since 1981, none. Dwight Timothy Jones/Selene, spouse.

7. Sisters and Spouses: Celia Bezou/Jacques Francois Bezou, spouse, $1,000, 2004, John Kerry; Leslie Louise Jones, $100, 2004, Howard Dean; Wendy Jones/James Hargrove, spouse, none; Rachel Jones/Nathan Yorgason, spouse, none; Heather Jones/Jason Johnson, spouse, none; Katherine Jones/Jared Holland, spouse, none.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DOMENICI (for himself, Mr. LIEBERMAN, Mr. SESSIONS, Mr. FEINGOLD, Mr. ISAKSON, Mr. ALEXANDER, Mr. VOINOVICH, Mr. LUGAR, Mr. CHAMBLISS, Mrs. HUTCHISON, Mr. MARTINEZ, Mr. ENZI, Mr. CORKER, and Ms. SNOWE):

S. 2627. A bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government; to the Committee on the Budget.

By Mr. ENSIGN:

S. 2628. A bill to amend the Internal Revenue Code of 1986 to treat income earned by mutual funds from exchange-traded funds holding precious metal bullion as qualifying income; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2629. A bill to amend title XIX of the Social Security Act to provide Medicaid coverage of drugs prescribed for certain research study child participants; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. STEVENS, Mr. KERRY, and Ms. MURKOWSKI):

S. 2630. A bill to amend the Public Health Service Act to establish a Federal grant program to provide increased health care coverage to and access for uninsured and underinsured workers and families in the commercial fishing industry, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COLEMAN, Ms. COLLINS, Mr. CORNYN, Mr. CRAIG, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DURBIN, Mr. ENSIGN, Mr. FEINGOLD, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. VOINOVICH, and Mr. WHITEHOUSE):

S. 2631. A bill to award a congressional gold medal to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BOND:

S. 2632. A bill to ensure that the Sex Offender Registration and Notification Act is applied retroactively; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself and Mr. REID):

S. 2633. A bill to provide for the safe redeployment of United States troops from Iraq; read the first time.

By Mr. FEINGOLD (for himself and Mr. REID):

S. 2634. A bill to require a report setting forth the global strategy of the United States to combat and defeat al Qaeda and its affiliates; read the first time.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2635. A bill to expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary; to the Committee on Commerce, Science, and Transportation.

By Mr. REID:

S. 2636. A bill to provide needed housing reform; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ENZI (for himself, Mr. BARRASSO, Mr. ALLARD, Mr. CRAIG, Mr. CRAPO, Mr. DOMENICI, Mr. DORGAN, Mr. ENSIGN, Mr. BINGAMAN, Mr. INHOFE, Mrs. MURRAY, Mr. REID, Mr. SALAZAR, Mr. STEVENS, Mr. MARTINEZ, and Mr. JOHNSON):

S. Res. 450. A resolution designating July 26, 2008, as ''National Day of the Cowboy''; to the Committee on the Judiciary.

By Mr. SPECTER (for himself and Mr. CASEY):

S. Res. 451. A resolution honoring the achievements of Rawle and Henderson LLP, on its 225th anniversary and on being recognized as the oldest law firm in continuous practice in the United States; to the Committee on the Judiciary.

By Mr. SPECTER (for himself and Mr. CASEY):

S. Res. 452. A resolution commemorating the 250th Anniversary of the Naming of Pittsburgh as the culmination of the Forbes Campaign across Pennsylvania and the significance this event played in the making of America, in the settlement of the continent, and in spreading the ideals of freedom and democracy throughout the world; considered and agreed to.

By Mr. CHAMBLISS (for himself and Mr. ISAKSON):

S. Res. 453. A resolution recognizing February 20, 2008, as the 100th anniversary of Abraham Baldwin Agricultural College; considered and agreed to.

ADDITIONAL COSPONSORS

S. 400

At the request of Mr. SUNUNU, the names of the Senator from California (Mrs. BOXER) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 400, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

S. 727

At the request of Mr. COCHRAN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 727, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 969

At the request of Mr. DODD, the name of the Senator from Indiana (Mr. BAYH)

was added as a cosponsor of S. 969, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

S. 1175

At the request of Mr. DURBIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1758

At the request of Mr. KENNEDY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1758, a bill to amend the Public Health Service Act to help individuals with functional impairments and their families pay for services and supports that they need to maximize their functionality and independence and have choices about community participation, education, and employment, and for other purposes.

S. 1760

At the request of Mr. BROWN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1760, a bill to amend the Public Health Service Act with respect to the Healthy Start Initiative.

S. 1998

At the request of Mr. DURBIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1998, a bill to reduce child marriage, and for other purposes.

S. 2059

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 2125

At the request of Mr. KOHL, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2125, a bill to improve public awareness in the United States among older individuals and their families and caregivers about the impending Digital Television Transition through the establishment of a Federal interagency taskforce between the Federal Communications Commission, the Administration on Aging, the National Telecommunications and Information Administration, and the outside advice of appropriate members of the aging network and industry groups.

S. 2144

At the request of Mr. COLEMAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2144, a bill to require the Secretary of Energy to conduct a study of feasibility relating to the construction and operation of pipelines and carbon dioxide sequestration facilities, and for other purposes.

S. 2170

At the request of Mrs. HUTCHISON, the name of the Senator from Florida (Mr. NELSON) 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. 2219

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2219, a bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare Program.

S. 2262

At the request of Mr. DOMENICI, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 2262, a bill to authorize the Preserve America Program and Save America's Treasures Program, and for other purposes.

S. 2408

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2408, a bill to amend title XVIII of the Social Security Act to require physician utilization of the Medicare electronic prescription drug program.

S. 2433

At the request of Mr. FEINGOLD, his 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. 2566

At the request of Mr. ISAKSON, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 2566, a bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases.

S. 2580

At the request of Mr. BROWN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2580, a bill to amend the Higher Education Act of 1965 to improve the participation in higher education of, and to increase opportunities in employment for, residents of rural areas.

S. 2593

At the request of Mr. BINGAMAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2593, a bill to establish a program at the Forest Service and the Department of the Interior to carry out collaborative ecological restoration treatments for priority forest landscapes on public land, and for other purposes.

S. 2617

At the request of Mr. AKAKA, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2617, a bill to increase, effective as of December 1, 2008, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

S. 2625

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2625, a bill to ensure that deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts, be excluded from consideration as annual income when determining eligibility for low-income housing programs.

S. RES. 439

At the request of Mr. LUGAR, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. Res. 439, a resolution expressing the strong support of the Senate for the North Atlantic Treaty Organization to enter into a Membership Action Plan with Georgia and Ukraine.

S. RES. 444

At the request of Mr. DURBIN, his name was added as a cosponsor of S. Res. 444, a resolution expressing the sense of the Senate regarding the strong alliance that has been forged between the United States and the Republic of Korea and congratulating Myung-Bak Lee on his election to the presidency of the Republic of Korea.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI (for himself, Mr. LIEBERMAN, Mr. SESSIONS, Mr. FEINGOLD, Mr. ISAKSON, Mr. ALEXANDER, Mr. VOINOVICH, Mr. LUGAR, Mr. CHAMBLISS, Mrs. HUTCHISON, Mr. MARTINEZ, Mr. ENZI, Mr. CORKER, and Ms. SNOWE):

S. 2627. A bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government; to the Committee on the Budget.

Mr. DOMENICI. Mr. President, on behalf of Senator LIEBERMAN, the distinguished chairman of the Homeland Security and Governmental Affairs Committee, I rise to introduce the Biennial Budgeting and Appropriations Act, a bill to convert the annual budget and appropriations process to a 2-year cycle and to enhance oversight of Federal programs.

Mr. President, our most recent experience with the fiscal year 2008 Omnibus Consolidated Appropriations Act shows the need for a biennial appropriations and budget process. That one bill clearly demonstrated Congress is incapable of completing the budget, authorizing, and appropriations process on an annual basis and unfortunantly, this is not the first time.

Congress should now act to streamline the system by moving to a 2-year, or biennial, budget process. This is the most important reform we can enact to streamline the budget process, to make the Senate a more deliberative and effective institution, and to make us more accountable to the American people.

Moving to a biennial budget and appropriations process enjoys very broad support. President George W. Bush has supported a biennial budgeting process. Presidents Clinton, Reagan, and Bush also proposed a biennial appropriations and budget cycle. Leon Panetta, who served as White House Chief of Staff, OMB Director, and House Budget Committee chairman, has advocated a biennial budget since the late 1970s. Former OMB and CBO Director Alice Rivlin has called for a biennial budget the past two decades. Vice President Gore's National Performance Review and the 1993 Joint Committee on the Reorganization of Congress both recommended a biennial appropriations and budget cycle.

A biennial budget will dramatically improve the current budget process. The current annual budget process is redundant, inefficient, and destined for failure each year. Look at what we struggle to complete each year under the current annual process. The annual budget process consumes 3 years: 1 year for the administration to prepare the President's budget, another year for the Congress to put the budget into law, and the final year to actually execute the budget.

Today, I want to focus just on the congressional budget process, the process of annually passing a budget resolution, authorization legislation, and multiple appropriation bills. The record clearly shows that last year's experience was nothing new. Under the annual process, we consistently fail to complete action on multiple appropriations bills, to authorize programs, and to meet our deadlines.

While we have made a number of improvements in the budget process, the current annual process is redundant and inefficient. The Senate has the same debate, amendments and votes on the same issue three or four times a year—once on the budget resolution, again on the authorization bill, and finally on the appropriations bill.

Several years ago, I asked the Congressional Research Service, CRS, to update and expand upon an analysis of the amount of time we spend on the budget. CRS looked at all votes on appropriations, revenue, reconciliation, and debt limit measures as well as budget resolutions. CRS then examined any other vote dealing with budgetary levels, Budget Act waivers, or votes pertaining to the budget process. Beginning with 1980, budget related votes started dominating the work of the Senate. In 1996, 73 percent of the votes the Senate took were related to the budget.

If we cannot adequately focus on our duties because we are constantly debating the budget throughout the authorizing, budgeting, and appropriations process, just imagine how confused the American public is about what we are doing. The result is that the public does not understand what we are doing and it breeds cynicism about our Government.

Under the legislation we are introducing today, the President would submit a 2-year budget and Congress would consider a 2-year budget resolution and 2-year appropriation bills during the first session of a Congress. The second session of the Congress would be devoted to consideration of authorization bills and for oversight of Government agencies.

Most of the arguments against a biennial budget process will come from those who claim we cannot predict or plan on a 2-year basis. For most of the budget, we do not actually budget on an annual basis. Our entitlement and revenue laws are under permanent law, and Congress does not change these laws on an annual basis. The only component of the budget that is set in law annually are the appropriated, or discretionary, accounts.

The most predictable category of the budget are these appropriated, or discretionary, accounts of the Federal Government. Much of this spending is associated with international activities or emergencies. Because most of this funding cannot be predicted on an annual basis, a biennial budget is no less deficient than the current annual process. My bill does not preclude supplemental appropriations necessary to meet these emergency or unanticipated requirements.

In 1993 I had the honor to serve as cochairman on a joint committee that studied the operations of the Congress. Senator BYRD testified before that committee that the increasing demands put on us as Senators has led to our "fractured attention." We simply are too busy to adequately focus on the people's business. This legislation is designed to free up time and focus our attention, particularly with respect to the oversight of Federal programs and activities.

Frankly, the limited oversight we are now doing is not as good as it should be. Our authorizing committees are increasingly crowded out of the legislative process. Under a biennial budget, the second year of the biennium will be exclusively devoted to examining Federal programs and developing authorization legislation. The calendar will be free of the budget and appropriations process, giving these committees the time and opportunity to provide oversight, review, and legislate changes to Federal programs. Oversight and the authorization should be an ongoing process, but a biennial appropriations process will provide greater opportunity for legislators to concentrate on programs and policies in the second year.

A biennial budget cannot make the difficult decisions that must be made in budgeting, but it can provide the tools necessary to make much better decisions. Under the current annual budget process, we are constantly spending the taxpayers' money instead of focusing on how best and most efficiently we should spend the taxpayers' money. By moving to a biennial budget cycle, we can plan, budget, and appropriate more effectively, strengthen oversight and watchdog functions, and improve the efficiency of government agencies.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2627

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 "Biennial Budgeting and Appropriations Act".

SEC. 2. REVISION OF TIMETABLE.

Section 300 of the Congressional Budget Act of 1974 (2 U.S.C. 631) is amended to read as follows:

"TIMETABLE

"SEC. 300. (a) IN GENERAL.—Except as provided by subsection (b), the timetable with respect to the congressional budget process for any Congress (beginning with the One Hundred Eleventh Congress) is as follows:

"First Session

On or before:	Action to be completed:
First Monday in February.	President submits budget recommendations.
February 15 ...	Congressional Budget Office submits report to Budget Committees.
Not later than 6 weeks after budget submission.	Committees submit views and estimates to Budget Committees.
April 1	Budget Committees report concurrent resolution on the biennial budget.
May 15	Congress completes action on concurrent resolution on the biennial budget.
May 15	Biennial appropriation bills may be considered in the House.
June 10	House Appropriations Committee reports last biennial appropriation bill.
June 30	House completes action on biennial appropriation bills.
August 1	Congress completes action on reconciliation legislation.
October 1	Biennium begins.

Second Session

On or before:	Action to be completed:
February 15 ...	President submits budget review.
Not later than 6 weeks after President submits budget review.	Congressional Budget Office submits report to Budget Committees.
The last day of the session.	Congress completes action on bills and resolutions authorizing new budget authority for the succeeding biennium.

"(b) SPECIAL RULE.—In the case of any first session of Congress that begins in any year

immediately following a leap year and during which the term of a President (except a President who succeeds himself or herself) begins, the following dates shall supersede those set forth in subsection (a):

''First Session

On or before:	Action to be completed:
First Monday in April.	President submits budget recommendations.
April 20	Committees submit views and estimates to Budget Committees.
May 15	Budget Committees report concurrent resolution on the biennial budget.
June 1	Congress completes action on concurrent resolution on the biennial budget.
July 1	Biennial appropriation bills may be considered in the House.
July 20	House completes action on biennial appropriation bills.
August 1	Congress completes action on reconciliation legislation.
October 1	Biennium begins.''.

SEC. 3. AMENDMENTS TO THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974.

(a) DECLARATION OF PURPOSE.—Section 2(2) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621(2)) is amended by striking ''each year'' and inserting ''biennially''.

(b) DEFINITIONS.—

(1) BUDGET RESOLUTION.—Section 3(4) of such Act (2 U.S.C. 622(4)) is amended by striking ''fiscal year'' each place it appears and inserting ''biennium''.

(2) BIENNIUM.—Section 3 of such Act (2 U.S.C. 622) is further amended by adding at the end the following new paragraph:

''(11) The term 'biennium' means the period of 2 consecutive fiscal years beginning on October 1 of any odd-numbered year.''.

(c) BIENNIAL CONCURRENT RESOLUTION ON THE BUDGET.—

(1) SECTION HEADING.—The section heading of section 301 of such Act is amended by striking ''annual'' and inserting ''biennial''.

(2) CONTENTS OF RESOLUTION.—Section 301(a) of such Act (2 U.S.C. 632(a)) is amended—

(A) in the matter preceding paragraph (1) by—

(i) striking ''April 15 of each year'' and inserting ''May 15 of each odd-numbered year'';

(ii) striking ''the fiscal year beginning on October 1 of such year'' the first place it appears and inserting ''the biennium beginning on October 1 of such year''; and

(iii) striking ''the fiscal year beginning on October 1 of such year'' the second place it appears and inserting ''each fiscal year in such period'';

(B) in paragraph (6), by striking ''for the fiscal year'' and inserting ''for each fiscal year in the biennium''; and

(C) in paragraph (7), by striking ''for the fiscal year'' and inserting ''for each fiscal year in the biennium''.

(3) ADDITIONAL MATTERS.—Section 301(b)(3) of such Act (2 U.S.C. 632(b)) is amended by striking ''for such fiscal year'' and inserting ''for either fiscal year in such biennium''.

(4) VIEWS OF OTHER COMMITTEES.—Section 301(d) of such Act (2 U.S.C. 632(d)) is amended by inserting ''(or, if applicable, as provided by section 300(b))'' after ''United States Code''.

(5) HEARINGS.—Section 301(e)(1) of such Act (2 U.S.C. 632(e)) is amended by—

(A) striking ''fiscal year'' and inserting ''biennium''; and

(B) inserting after the second sentence the following: ''On or before April 1 of each odd-numbered year (or, if applicable, as provided by section 300(b)), the Committee on the Budget of each House shall report to its House the concurrent resolution on the budget referred to in subsection (a) for the biennium beginning on October 1 of that year.''.

(6) GOALS FOR REDUCING UNEMPLOYMENT.—Section 301(f) of such Act (2 U.S.C. 632(f)) is amended by striking ''fiscal year'' each place it appears and inserting ''biennium''.

(7) ECONOMIC ASSUMPTIONS.—Section 301(g)(1) of such Act (2 U.S.C. 632(g)(1)) is amended by striking ''for a fiscal year'' and inserting ''for a biennium''.

(8) TABLE OF CONTENTS.—The item relating to section 301 in the table of contents set forth in section 1(b) of such Act is amended by striking ''Annual'' and inserting ''Biennial''.

(d) COMMITTEE ALLOCATIONS.—Section 302 of such Act (2 U.S.C. 633) is amended—

(1) in subsection (a)

(A) in paragraph (1), by—

(i) striking ''for the first fiscal year of the resolution,'' and inserting ''for each fiscal year in the biennium,'';

(ii) striking ''for that period of fiscal years'' and inserting ''for all fiscal years covered by the resolution''; and

(iii) striking ''for the fiscal year of that resolution'' and inserting ''for each fiscal year in the biennium''; and

(B) in paragraph (5), by striking ''April 15'' and inserting ''May 15 or June 1 (under section 300(b))'';

(2) in subsection (b), by striking ''budget year'' and inserting ''biennium'';

(3) in subsection (c) by striking ''for a fiscal year'' each place it appears and inserting ''for each fiscal year in the biennium'';

(4) in subsection (f)(1), by striking ''for a fiscal year'' and inserting ''for a biennium'';

(5) in subsection (f)(1), by striking ''the first fiscal year'' and inserting ''each fiscal year of the biennium'';

(6) in subsection (f)(2)(A), by—

(A) striking ''the first fiscal year'' and inserting ''each fiscal year of the biennium''; and

(B) striking ''the total of fiscal years'' and inserting ''the total of all fiscal years covered by the resolution''; and

(7) in subsection (g)(1)(A), by striking ''April'' and inserting ''May''.

(e) SECTION 303 POINT OF ORDER.—

(1) IN GENERAL.—Section 303(a) of such Act (2 U.S.C. 634(a)) is amended by—

(A) striking ''the first fiscal year'' and inserting ''each fiscal year of the biennium''; and

(B) striking ''that fiscal year'' each place it appears and inserting ''that biennium''.

(2) EXCEPTIONS IN THE HOUSE.—Section 303(b)(1) of such Act (2 U.S.C. 634(b)) is amended—

(A) in subparagraph (A), by striking ''the budget year'' and inserting ''the biennium''; and

(B) in subparagraph (B), by striking ''the fiscal year'' and inserting ''the biennium''.

(3) APPLICATION TO THE SENATE.—Section 303(c)(1) of such Act (2 U.S.C. 634(c)) is amended by—

(A) striking ''fiscal year'' and inserting ''biennium''; and

(B) striking ''that year'' and inserting ''each fiscal year of that biennium''.

(f) PERMISSIBLE REVISIONS OF CONCURRENT RESOLUTIONS ON THE BUDGET.—Section 304(a) of such Act (2 U.S.C. 635) is amended—

(1) by striking ''fiscal year'' the first two places it appears and inserting ''biennium''; and

(2) by striking ''for such fiscal year'' and inserting ''for such biennium''.

(g) PROCEDURES FOR CONSIDERATION OF BUDGET RESOLUTIONS.—Section 305 of such Act (2 U.S.C. 636(3)) is amended—

(1) in subsection (a)(3), by striking ''fiscal year'' and inserting ''biennium''; and

(2) in subsection (b)(3), by striking ''fiscal year'' and inserting ''biennium''.

(h) COMPLETION OF HOUSE ACTION ON APPROPRIATION BILLS.—Section 307 of such Act (2 U.S.C. 638) is amended—

(1) by striking ''each year'' and inserting ''each odd-numbered year'';

(2) by striking ''annual'' and inserting ''biennial'';

(3) by striking ''fiscal year'' and inserting ''biennium''; and

(4) by striking ''that year'' and inserting ''each odd-numbered year''.

(i) COMPLETION OF ACTION ON REGULAR APPROPRIATION BILLS.—Section 309 of such Act (2 U.S.C. 640) is amended—

(1) by inserting ''of any odd-numbered calendar year'' after ''July'';

(2) by striking ''annual'' and inserting ''biennial''; and

(3) by striking ''fiscal year'' and inserting ''biennium''.

(j) RECONCILIATION PROCESS.—Section 310(a) of such Act (2 U.S.C. 641(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''any fiscal year'' and inserting ''any biennium''; and

(2) in paragraph (1) by striking ''such fiscal year'' each place it appears and inserting ''any fiscal year covered by such resolution''.

(k) SECTION 311 POINT OF ORDER.—

(1) IN THE HOUSE.—Section 311(a)(1) of such Act (2 U.S.C. 642(a)) is amended—

(A) by striking ''for a fiscal year'' and inserting ''for a biennium'';

(B) by striking ''the first fiscal year'' each place it appears and inserting ''either fiscal year of the biennium''; and

(C) by striking ''that first fiscal year'' and inserting ''each fiscal year in the biennium''.

(2) IN THE SENATE.—Section 311(a)(2) of such Act is amended—

(A) in subparagraph (A), by striking ''for the first fiscal year'' and inserting ''for either fiscal year of the biennium''; and

(B) in subparagraph (B)—

(i) by striking ''that first fiscal year'' the first place it appears and inserting ''each fiscal year in the biennium''; and

(ii) by striking ''that first fiscal year and the ensuing fiscal years'' and inserting ''all fiscal years''.

(3) SOCIAL SECURITY LEVELS.—Section 311(a)(3) of such Act is amended by—

(A) striking ''for the first fiscal year'' and inserting ''each fiscal year in the biennium''; and

(B) striking ''that fiscal year and the ensuing fiscal years'' and inserting ''all fiscal years''.

(l) MDA POINT OF ORDER.—Section 312(c) of the Congressional Budget Act of 1974 (2 U.S.C. 643) is amended—

(1) by striking ''for a fiscal year'' and inserting ''for a biennium'';

(2) in paragraph (1), by striking ''the first fiscal year'' and inserting ''either fiscal year in the biennium'';

(3) in paragraph (2), by striking ''that fiscal year'' and inserting ''either fiscal year in the biennium''; and

(4) in the matter following paragraph (2), by striking ''that fiscal year'' and inserting ''the applicable fiscal year''.

SEC. 4. AMENDMENTS TO TITLE 31, UNITED STATES CODE.

(a) DEFINITION.—Section 1101 of title 31, United States Code, is amended by adding at the end thereof the following new paragraph:

''(3) 'biennium' has the meaning given to such term in paragraph (11) of section 3 of

the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(11)).''.

(b) BUDGET CONTENTS AND SUBMISSION TO THE CONGRESS.—

(1) SCHEDULE.—The matter preceding paragraph (1) in section 1105(a) of title 31, United States Code, is amended to read as follows:

''(a) On or before the first Monday in February of each odd-numbered year (or, if applicable, as provided by section 300(b) of the Congressional Budget Act of 1974), beginning with the One Hundred Eleventh Congress, the President shall transmit to the Congress, the budget for the biennium beginning on October 1 of such calendar year. The budget of the United States Government transmitted under this subsection shall include a budget message and summary and supporting information. The President shall include in each budget the following:''.

(2) EXPENDITURES.—Section 1105(a)(5) of title 31, United States Code, is amended by striking ''the fiscal year for which the budget is submitted and the 4 fiscal years after that year'' and inserting ''each fiscal year in the biennium for which the budget is submitted and in the succeeding 4 fiscal years''.

(3) RECEIPTS.—Section 1105(a)(6) of title 31, United States Code, is amended by striking ''the fiscal year for which the budget is submitted and the 4 fiscal years after that year'' and inserting ''each fiscal year in the biennium for which the budget is submitted and in the succeeding 4 years''.

(4) BALANCE STATEMENTS.—Section 1105(a)(9)(C) of title 31, United States Code, is amended by striking ''the fiscal year'' and inserting ''each fiscal year in the biennium''.

(5) FUNCTIONS AND ACTIVITIES.—Section 1105(a)(12) of title 31, United States Code, is amended in subparagraph (A), by striking ''the fiscal year'' and inserting ''each fiscal year in the biennium''.

(6) ALLOWANCES.—Section 1105(a)(13) of title 31, United States Code, is amended by striking ''the fiscal year'' and inserting ''each fiscal year in the biennium''.

(7) ALLOWANCES FOR UNCONTROLLED EXPENDITURES.—Section 1105(a)(14) of title 31, United States Code, is amended by striking ''that year'' and inserting ''each fiscal year in the biennium for which the budget is submitted''.

(8) TAX EXPENDITURES.—Section 1105(a)(16) of title 31, United States Code, is amended by striking ''the fiscal year'' and inserting ''each fiscal year in the biennium''.

(9) FUTURE YEARS.—Section 1105(a)(17) of title 31, United States Code, is amended—

(A) by striking ''the fiscal year following the fiscal year'' and inserting ''each fiscal year in the biennium following the biennium'';

(B) by striking ''that following fiscal year'' and inserting ''each such fiscal year''; and

(C) by striking ''fiscal year before the fiscal year'' and inserting ''biennium before the biennium''.

(10) PRIOR YEAR OUTLAYS.—Section 1105(a)(18) of title 31, United States Code, is amended—

(A) by striking ''the prior fiscal year'' and inserting ''each of the 2 most recently completed fiscal years,'';

(B) by striking ''for that year'' and inserting ''with respect to those fiscal years''; and

(C) by striking ''in that year'' and inserting ''in those fiscal years''.

(11) PRIOR YEAR RECEIPTS.—Section 1105(a)(19) of title 31, United States Code, is amended—

(A) by striking ''the prior fiscal year'' and inserting ''each of the 2 most recently completed fiscal years'';

(B) by striking ''for that year'' and inserting ''with respect to those fiscal years''; and

(C) by striking ''in that year'' each place it appears and inserting ''in those fiscal years''.

(c) ESTIMATED EXPENDITURES OF LEGISLATIVE AND JUDICIAL BRANCHES.—Section 1105(b) of title 31, United States Code, is amended by striking ''each year'' and inserting ''each even-numbered year''.

(d) RECOMMENDATIONS TO MEET ESTIMATED DEFICIENCIES.—Section 1105(c) of title 31, United States Code, is amended—

(1) by striking ''the fiscal year for'' the first place it appears and inserting ''each fiscal year in the biennium for'';

(2) by striking ''the fiscal year for'' the second place it appears and inserting ''each fiscal year of the biennium, as the case may be, for''; and

(3) by striking ''for that year'' and inserting ''for each fiscal year of the biennium''.

(e) CAPITAL INVESTMENT ANALYSIS.—Section 1105(e)(1) of title 31, United States Code, is amended by striking ''ensuing fiscal year'' and inserting ''biennium to which such budget relates''.

(f) SUPPLEMENTAL BUDGET ESTIMATES AND CHANGES.—

(1) IN GENERAL.—Section 1106(a) of title 31, United States Code, is amended—

(A) in the matter preceding paragraph (1), by—

(i) inserting after ''Before July 16 of each year'' the following: ''and February 15 of each even-numbered year''; and

(ii) striking ''fiscal year'' and inserting ''biennium'';

(B) in paragraph (1), by striking ''that fiscal year'' and inserting ''each fiscal year in such biennium'';

(C) in paragraph (2), by striking ''fiscal year'' and inserting ''biennium''; and

(D) in paragraph (3), by striking ''fiscal year'' and inserting ''biennium''.

(2) CHANGES.—Section 1106(b) of title 31, United States Code, is amended by—

(A) striking ''the fiscal year'' and inserting ''each fiscal year in the biennium'';

(B) inserting after ''Before July 16 of each year'' the following: ''and February 15 of each even-numbered year''; and

(C) striking ''submitted before July 16'' and inserting ''required by this subsection''.

(g) CURRENT PROGRAMS AND ACTIVITIES ESTIMATES.—

(1) IN GENERAL.—Section 1109(a) of title 31, United States Code, is amended—

(A) by striking ''On or before the first Monday after January 3 of each year (on or before February 5 in 1986)'' and inserting ''At the same time the budget required by section 1105 is submitted for a biennium''; and

(B) by striking ''the following fiscal year'' and inserting ''each fiscal year of such period''.

(2) JOINT ECONOMIC COMMITTEE.—Section 1109(b) of title 31, United States Code, is amended by striking ''March 1 of each year'' and inserting ''within 6 weeks of the President's budget submission for each odd-numbered year (or, if applicable, as provided by section 300(b) of the Congressional Budget Act of 1974)''.

(h) YEAR-AHEAD REQUESTS FOR AUTHORIZING LEGISLATION.—Section 1110 of title 31, United States Code, is amended by—

(1) striking ''May 16'' and inserting ''March 31''; and

(2) striking ''year before the year in which the fiscal year begins'' and inserting ''calendar year preceding the calendar year in which the biennium begins''.

SEC. 5. TWO-YEAR APPROPRIATIONS; TITLE AND STYLE OF APPROPRIATIONS ACTS.

Section 105 of title 1, United States Code, is amended to read as follows:

''§ 105. Title and style of appropriations Acts

''(a) The style and title of all Acts making appropriations for the support of the Government shall be as follows: 'An Act making appropriations (here insert the object) for each fiscal year in the biennium of fiscal years (here insert the fiscal years of the biennium).'.

''(b) All Acts making regular appropriations for the support of the Government shall be enacted for a biennium and shall specify the amount of appropriations provided for each fiscal year in such period.

''(c) For purposes of this section, the term 'biennium' has the same meaning as in section 3(11) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(11)).''.

SEC. 6. MULTIYEAR AUTHORIZATIONS.

(a) IN GENERAL.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

''AUTHORIZATIONS OF APPROPRIATIONS

''SEC. 316. (a) POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider—

''(1) any bill, joint resolution, amendment, motion, or conference report that authorizes appropriations for a period of less than 2 fiscal years, unless the program, project, or activity for which the appropriations are authorized will require no further appropriations and will be completed or terminated after the appropriations have been expended; and

''(2) in any odd-numbered year, any authorization or revenue bill or joint resolution until Congress completes action on the biennial budget resolution, all regular biennial appropriations bills, and all reconciliation bills.

''(b) APPLICABILITY.—In the Senate, subsection (a) shall not apply to—

''(1) any measure that is privileged for consideration pursuant to a rule or statute;

''(2) any matter considered in Executive Session; or

''(3) an appropriations measure or reconciliation bill.''.

(b) AMENDMENT TO TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the item relating to section 315 the following new item:

''Sec. 316. Authorizations of appropriations''.

SEC. 7. GOVERNMENT PLANS ON A BIENNIAL BASIS.

(a) STRATEGIC PLANS.—Section 306 of title 5, United States Code, is amended—

(1) in subsection (a), by striking ''September 30, 1997'' and inserting ''September 30, 2009'';

(2) in subsection (b)—

(A) by striking ''five years forward'' and inserting ''6 years forward'';

(B) by striking ''at least every three years'' and inserting ''at least every 4 years''; and

(C) by striking beginning with '', except that'' through ''four years''; and

(3) in subsection (c), by inserting a comma after ''section'' the second place it appears and adding ''including a strategic plan submitted by September 30, 2009 meeting the requirements of subsection (a)''.

(b) BUDGET CONTENTS AND SUBMISSION TO CONGRESS.—Paragraph (28) of section 1105(a) of title 31, United States Code, is amended by striking ''beginning with fiscal year 1999, a'' and inserting ''beginning with fiscal year 2010, a biennial''.

(c) PERFORMANCE PLANS.—Section 1115 of title 31, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter before paragraph (1)—

(i) by striking ''section 1105(a)(29)'' and inserting ''section 1105(a)(28)''; and

(ii) by striking ''an annual'' and inserting ''a biennial'';

(B) in paragraph (1) by inserting after ''program activity'' the following: ''for both years 1 and 2 of the biennial plan'';

(C) in paragraph (5) by striking ''and'' after the semicolon,

(D) in paragraph (6) by striking the period and inserting a semicolon; and inserting ''and'' after the inserted semicolon; and

(E) by adding after paragraph (6) the following:

''(7) cover a 2-year period beginning with the first fiscal year of the next biennial budget cycle.'';

(2) in subsection (d) by striking ''annual'' and inserting ''biennial''; and

(3) in paragraph (6) of subsection (f) by striking ''annual'' and inserting ''biennial''.

(d) MANAGERIAL ACCOUNTABILITY AND FLEXIBILITY.—Section 9703 of title 31, United States Code, relating to managerial accountability, is amended—

(1) in subsection (a)—

(A) in the first sentence by striking ''annual''; and

(B) by striking ''section 1105(a)(29)'' and inserting ''section 1105(a)(28)'';

(2) in subsection (e)—

(A) in the first sentence by striking ''one or'' before ''years'';

(B) in the second sentence by striking ''a subsequent year'' and inserting ''a subsequent 2-year period''; and

(C) in the third sentence by striking ''three'' and inserting ''4''.

(e) PILOT PROJECTS FOR PERFORMANCE BUDGETING.—Section 1119 of title 31, United States Code, is amended—

(1) in paragraph (1) of subsection (d), by striking ''annual'' and inserting ''biennial''; and

(2) in subsection (e), by striking ''annual'' and inserting ''biennial''.

(f) STRATEGIC PLANS.—Section 2802 of title 39, United States Code, is amended—

(1) is subsection (a), by striking ''September 30, 1997'' and inserting ''September 30, 2009'';

(2) by striking ''five years forward'' and inserting ''6 years forward'';

(3) in subsection (b), by striking ''at least every three years'' and inserting ''at least every 4 years''; and

(4) in subsection (c), by inserting a comma after ''section'' the second place it appears and inserting ''including a strategic plan submitted by September 30, 2009 meeting the requirements of subsection (a)''.

(g) PERFORMANCE PLANS.—Section 2803(a) of title 39, United States Code, is amended—

(1) in the matter before paragraph (1), by striking ''an annual'' and inserting ''a biennial'';

(2) in paragraph (1), by inserting after ''program activity'' the following: ''for both years 1 and 2 of the biennial plan'';

(3) in paragraph (5), by striking ''and'' after the semicolon;

(4) in paragraph (6), by striking the period and inserting ''; and''; and

(5) by adding after paragraph (6) the following:

''(7) cover a 2-year period beginning with the first fiscal year of the next biennial budget cycle.''.

(h) COMMITTEE VIEWS OF PLANS AND REPORTS.—Section 301(d) of the Congressional Budget Act (2 U.S.C. 632(d)) is amended by adding at the end ''Each committee of the Senate or the House of Representatives shall review the strategic plans, performance plans, and performance reports, required under section 306 of title 5, United States Code, and sections 1115 and 1116 of title 31, United States Code, of all agencies under the jurisdiction of the committee. Each committee may provide its views on such plans or reports to the Committee on the Budget of the applicable House.''.

(i) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on March 1, 2009.

(2) AGENCY ACTIONS.—Effective on and after the date of enactment of this Act, each agency shall take such actions as necessary to prepare and submit any plan or report in accordance with the amendments made by this Act.

SEC. 8. BIENNIAL APPROPRIATIONS BILLS.

(a) IN GENERAL.—Title III of the Congressional Budget Act of 1974 (2 U.S.C. 631 et seq.) is amended by adding at the end the following:

''CONSIDERATION OF BIENNIAL APPROPRIATIONS BILLS

''SEC. 317. It shall not be in order in the House of Representatives or the Senate in any odd-numbered year to consider any regular bill providing new budget authority or a limitation on obligations under the jurisdiction of any of the subcommittees of the Committees on Appropriations for only the first fiscal year of a biennium, unless the program, project, or activity for which the new budget authority or obligation limitation is provided will require no additional authority beyond 1 year and will be completed or terminated after the amount provided has been expended.''.

(b) AMENDMENT TO TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the item relating to section 316 the following new item:

''Sec. 317. Consideration of biennial appropriations bills''.

SEC. 9. REPORT ON TWO-YEAR FISCAL PERIOD.

Not later than 180 days after the date of enactment of this Act, the Director of OMB shall—

(1) determine the impact and feasibility of changing the definition of a fiscal year and the budget process based on that definition to a 2-year fiscal period with a biennial budget process based on the 2-year period; and

(2) report the findings of the study to the Committees on the Budget of the House of Representatives and the Senate.

SEC. 10. EFFECTIVE DATE.

Except as provided in section 7, this Act and the amendments made by this Act shall take effect on January 1, 2009, and shall apply to budget resolutions and appropriations for the biennium beginning with fiscal year 2010.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2629. A bill to amend title XIX of the Social Security Act to provide Medicaid coverage of drugs prescribed for certain research study child participants; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce Nino's Act, to provide for the continuance of successful treatment for children who are required to leave National Institutes of Health, NIH, research studies. The NIH provides the greatest medical research in the world on innumerable diseases, including cancer, Alzheimer's, Parkinson's. The NIH also conducts excellent research on diseases that affect children. To conduct that research many brave children must partake in research studies including observational, or natural history, studies and clinical trials to test experimental therapies. This participation is critical to understanding diseases and ultimately finding cures at the NIH.

To participate in the trials and studies, children and their families often make considerable sacrifices. Families will travel great distances to receive treatment that may provide relief from the child's illness. In many cases, parents and doctors will have tried many treatments for the child's disease about which little may be known or understood. The NIH studies represent an opportunity for both the medical community to learn more about the disease and the child to be studied and potentially treated by the best researchers in the world.

When the experimental treatments are successful, it is cause for great celebration for the child. The joy, however, can end quickly as the studies come to end but the children who have been part of them continue to be stricken by these terrible illnesses.

Nino's Act seeks to transition children out of the NIH studies as they end so they don't experience a gap in their important treatment. This legislation continues the successful treatment initiated in NIH studies by providing access to the same prescription drugs for children who are required to leave NIH clinical studies due to the studies ending, researcher leaving, or other reason. Often drugs that are used successfully in these studies have not yet been approved by the Food and Drug Administration or have not been approved for treatment of the child's specific disease. As such, it is nearly impossible for children to get access or insurance coverage for these drugs. This bill makes that access possible by requiring Medicaid to cover the cost of treatment in the event that the children's health insurance does not.

On occasion, insurers will cover the cost of the treatment for these children if they have adequate insurance and the FDA has approved the drug for off-label uses. More often then not, however, children do not have health insurance, or have insufficient insurance to obtain these drugs. As a result, children suffer their diseases without relief from the treatment as established in the clinical NIH studies. To ensure that these children have access to successful care post-study, Nino's Act requires Medicaid to cover the cost of treatment for these children. While Medicaid access is traditionally based on income, due to the importance of these drugs to the child's well-being the income component will be waived. To ensure Medicaid is not unnecessarily covering medication, Nino's Act requires the physicians participating in the research to certify the treatment as successful and essential.

This important issue was introduced to me by Lori Todaro of Newville, PA. Lori's son Nino suffers from Undifferentiated Auto-Inflammatory Periodic Fever Syndrome. This disease takes a devastating toll on those who suffer from it. The auto-inflammatory

disease can cause joint inflammation arthritis, Crohns, colitis, irritable bowel syndrome, and cyclical high fevers. Treatment for Periodic Fever Syndrome is experimental at best; Lori and Nino have visited a number of doctors and tried many medications in an effort to control the disease.

In 2003, Nino was fortunate to be selected to take part in an observational study at NIH in Bethesda, Maryland for Undifferentiated Auto-inflammatory Periodic Fever Syndrome. During the course of the study, Nino was given a new medication and his condition greatly improved. Before he participated in the study he was being fitted for wheelchairs and was home schooled because his symptoms were so disruptive and unpredictable. The NIH treatment allowed him to resume a normal life and enabled him to attend school and play soccer. While Nino's treatment was successful he could not remain part of the study indefinitely and was encouraged to seek coverage for his treatments through his private insurer. Initially, the Todaro's insurer would not agree to cover the cost of the experimental drug and only after an intense lobbying effort by Lori, did the insurer agree to cover Nino's prescriptions.

Nino's story is a successful one, but also serves to highlight the issue that children and their families are facing as they transition out of NIH studies. For many, NIH trials are a source of hope for relief from the worst diseases known to man. The excellent doctors and research teams at NIH make invaluable contributions to our understanding of complex and debilitating diseases. This legislation seeks to amplify the NIH's contributions by allowing America's sickest children to continue their successful treatment under Medicaid coverage. I encourage my colleagues to work with Senator CASEY and me to move this legislation forward promptly.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2629

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 ''Nino's Act''.

SEC. 2. MEDICAID COVERAGE OF DRUGS PRESCRIBED FOR RESEARCH STUDY CHILD PARTICIPANTS.

(a) MANDATORY COVERAGE IF STATE PROVIDES DRUG COVERAGE.—

(1) STATE PLAN REQUIREMENT.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (69), by striking ''and'' at the end;

(B) in paragraph (70), by striking the period at the end and inserting ''; and''; and

(C) by inserting after paragraph (70) the following new paragraph:

''(71) in the case of a State plan that provides medical assistance for prescribed drugs under section 1905(a)(12), provide for such medical assistance to include coverage for any drug, biological product, or insulin prescribed for a child (including any such drug, product, or insulin that is self-administered) who—

''(A) is eligible for medical assistance under the State plan (including a child who is eligible only on the basis of paragraph (10)(A)(i)(VIII));

''(B) is a current or former participant in a research study conducted or funded (in whole or in part) by the National Institutes of Health; and

''(C) satisfies the requirements of subparagraphs (B), (C), and (D) of subsection (dd)(1).''.

(2) MANDATORY COVERAGE OF DRUGS OF RESEARCH STUDY CHILD PARTICIPANTS WHO ARE NOT OTHERWISE ELIGIBLE FOR MEDICAID IF THE STATE OFFERS DRUG COVERAGE.—

(A) IN GENERAL.—Section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396b(a)(10)(A)(i)) is amended—

(i) in subclause (VI), by striking ''or'' at the end;

(ii) in subclause (VII), by adding ''or'' at the end; and

(iii) by adding at the end the following new subclause:

''(VIII) who are research study child participants described in subsection (dd)(1), but only if the medical assistance made available by the State includes prescribed drugs under section 1905(a)(12),''.

(B) GROUP DESCRIBED.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following new subsection:

''(dd)(1) Research study child participants described in this subsection are individuals who—

''(A) are not otherwise eligible for medical assistance under the State plan;

''(B) have not attained age 19;

''(C) have been certified by a physician participating in a research study conducted or funded (in whole or in part) by the National Institutes of Health to be current or former participants in such trial or study who have a specific disease or condition that—

''(i) is or has been successfully treated under such trial or study with a prescribed use of a drug, biological product, or insulin that is not approved under the Federal Food, Drug, and Cosmetic Act; and

''(ii) is likely to continue to be successfully treated with such drug, product, or insulin; and

''(D) do not have other health coverage for such drug, product, or insulin.

''(2) A State shall redetermine not less than every 2 years the eligibility of an individual for medical assistance who is eligible solely on the basis of subsection (a)(10)(A)(i)(VIII).

''(3) For purposes of this subsection and paragraphs (10)(A)(i)(VIII) and (71) of subsection (a), the term 'research study' means a clinical study, including an observational (or natural history) study, or a clinical trial, to test an experimental therapy.''.

(C) MEDICAL ASSISTANCE LIMITED TO COVERAGE OF THE RESEARCH OR OBSERVATIONAL TRIAL DRUGS, BIOLOGICAL PRODUCT, OR INSULIN.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended in the matter following subparagraph (G)—

(i) by striking ''and (XIV)'' and inserting ''(XIV)''; and

(ii) by inserting '', and (XV) the medical assistance made available to a research study child participant described in subsection (dd)(1) who is eligible for medical assistance solely on the basis of subparagraph (A)(10)(i)(VIII) shall be limited to medical assistance for a drug, biological product, or insulin that is prescribed for the participant as a result of participation in such trial or study (including any such drug, product, or insulin that is self-administered)'' before the semicolon.

(D) CONFORMING AMENDMENT.—Section 1903(f)(4) of such Act (42 U.S.C. 1396b)(f)(4)) is amended in the matter preceding subparagraph (A) by inserting ''1902(a)(10)(A)(i)(VIII),'' after ''1902(a)(10)(A)(i)(VII),''.

(b) PRESUMPTIVE ELIGIBILITY.—Section 1920B of the Social Security Act (42 U.S.C. 1396r–1b) is amended—

(1) in the section heading, by inserting ''OR RESEARCH STUDY CHILD PARTICIPANTS'' after ''PATIENTS'';

(2) in subsection (a), by inserting ''or a child who is eligible for medical assistance under the State plan (including a child who is eligible only on the basis of section 1902(a)(10)(A)(i)(VIII) but subject to the limitation on medical assistance for such a child under clause (XV) of the matter following section 1902(a)(10)(G)), is a current or former participant in a research study conducted or funded (in whole or in part) by the National Institutes of Health, and satisfies the requirements of subparagraphs (B), (C), and (D) of section 1902(dd)(1)'' after ''patients)'';

(3) in subsection (b)(1)(A), by inserting ''or subsection (a)'' after ''1902(aa)''; and

(4) in subsection (d), in the flush language following paragraph (2), by striking ''for purposes of clause (4) of the first sentence of section 1905(b)'' and inserting ''for purposes of the first sentence of section 1905(b) (and, in the case of medical assistance furnished to an individual described in section 1902(aa), for purposes of clause (4) of such sentence)''.

(c) NOTICE OF MEDICAID COVERAGE FOR RESEARCH STUDY CHILD PARTICIPANTS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Director of the Institutes of Health and State Medicaid Directors, shall—

(A) develop a written notice for child participants in research studies (as defined in section 1902(dd)(3) of the Social Security Act, as added by subsection (a)(2)(B)) conducted or funded (in whole or in part) by the National Institutes of Health who are likely to eligible for medical assistance for a drug, biological product, or insulin prescribed for such participants as a result of participation in such a study (including any such drug, product, or insulin that is self-administered) in accordance with paragraph (10)(A)(i)(VIII) or (71) of section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) (as added by subsection (a)), of the availability of such assistance; and

(B) establish procedures for making such notice available to the child participants through physicians participating in such research studies or such other means as the Secretary determines appropriate.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 2008 and each fiscal year thereafter such sums as may be necessary to carry out this subsection.

(d) EFFECTIVE DATE.—The amendments made by this section apply to medical assistance for items and services furnished on or after the date of enactment of this Act, without regard to whether final regulations to carry out such amendments have been promulgated.

Mr. CASEY. Mr. President, I rise today to speak about a critical health issue affecting thousands of our children every day but about which few people have ever even heard. All across this country, thousands of children suffer from rare genetic diseases called ''orphan diseases,'' thus named because

of the relatively small number of people these diseases strike.

An orphan disease is defined as affecting fewer than 200,000 people. The National Institutes of Health, NIH, estimate that there are approximately 6,000 of these orphan diseases, affecting about 25 million Americans on the whole. Most of these rare diseases are genetic and many affect children.

Last spring, I met with a group of mothers who shared their struggles and frustrations in getting ongoing and consistent treatment for their children, each of whom suffers from an orphan disease. Many of these parents had been able to enroll their children in clinical trials at the NIH and had found experimental treatments for their children that had proven extremely successful. The doctors at NIH do miraculous work in finding treatments for children with rare genetic diseases. But oftentimes, when the trial ends, these children and parents are left on their own, with no access to the previously free and effective treatment that their children were getting.

Imagine if you can, for one moment, the predicament of these children and their parents? After months and sometimes years of first not knowing what was ailing their sick children, desperately seeking help, then finally getting a diagnosis, only to find out that there was no FDA approved treatment. Then after searching for some kind of treatment and then finally, finally finding—and being admitted to—a clinical trial on medication that miraculously gave their children the ability to function like other kids—to be able to play soccer and go to school and have friends over and just have the energy to be a child. For all of us who are parents, you can imagine the joy of seeing your child finally alleviated from the suffering he or she has been going through, finally able to enjoy him- or herself and do all the things that children are supposed to do.

Then imagine, if you can, what it would be like to suddenly have that taken away. The clinical trial ends, or funding for the trial ends. Suddenly, you no longer have access to this drug that your child needs to be able to function, to do their homework, eat well and have fun. If it is a drug that has not been approved by the Food and Drug Administration or specifically approved for a child's particular disease, then insurance companies typically will not cover it because the treatment is considered ''experimental.'' In some cases, a drug has been approved for other uses than the orphan disease, known as ''off-label'' use. If a family has enough insurance, and there is off-label FDA approval, sometimes families can get coverage of the drugs. If not, the resulting cost to families is astronomical—ranging anywhere from $10,000 to $30,000 per month.

This is what happened to Nino Todaro, a young boy from Newville, Pennsylvania, and that is why Senator SPECTER and I are today introducing Nino's Act. Nino suffers from Periodic Fever Syndrome, an unpredictable genetic condition that can cause uncontrolled inflammation throughout the body. When this disease acts up, Nino has days where he cannot do much more than lie on the couch. Left untreated, this condition could leave Nino unable to walk and even be life-threatening. Fortunately Nino found help through an NIH clinical trial, but funding ran out last year. The drug that returned Nino to a joyous soccer-playing kid was approved for arthritis and Crohn's disease, but not Periodic Fever Syndrome. Facing costs of $12,000 a month, and initial rejections from their insurance company, Nino's parents turned to Congress.

Nino's Act will allow children to transition out of successful treatment in NIH studies without a gap in treatment. There are thousands of children like Nino across this country who desperately need the continuity of ongoing successful treatment for their rare disorders. These are children who have been very ill, sometimes incapacitated, and have been able to resume normal childhoods through successful drug treatment. Parents advocating for their children understandably refuse to accept that their children have no choice but to regress because their insurance company will not cover humongous medical bills that no middle class family could even begin to absorb.

No parent should ever have to face a situation in which the care they need for their seriously ill child is too expensive or held up by regulatory red tape. It is unthinkable to me that any ill child in this country, the richest nation on earth, with all our medical advancements, should ever be denied medical treatment that is available and proven successful. Our bill will give these children and their parents peace of mind that when a study ends, their children's successful ongoing treatment will not be threatened. To address this, Nino's Act will require Medicaid to cover the cost of treatment of in the event that a child's health insurance does not.

This is the least we can do for these children and families. No child for whom treatment is available should have to forego that treatment to the serious detriment of their health. That is just plain wrong. Senator SPECTER and I share the belief that ensuring ongoing treatment for children with rare disorders is something this Congress should get behind. I urge my colleagues to support Nino's Act and I will work hard for its passage. My hope is it will go a long way toward ensuring that children with orphan diseases can get the successful treatment they deserve, freeing them and their families to focus on what is truly important—keeping them well, and living out happy and productive lives.

By Mr. KENNEDY (for himself, Mr. STEVENS, Mr. KERRY, and Ms. MURKOWSKI):

S. 2630. A bill to amend the Public Health Service Act to establish a Federal grant program to provide increased health care coverage to and access for uninsured and underinsured workers and families in the commercial fishing industry, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2630

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 ''Commercial Fishing Industry Health Care Coverage Act of 2008''.

SEC. 2. GRANTS FOR QUALIFIED COMMERCIAL FISHING INDUSTRY HEALTH CARE COVERAGE DEMONSTRATION PROGRAMS.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by adding at the end the following new section:

''SEC. 320B. GRANTS FOR QUALIFIED COMMERCIAL FISHING INDUSTRY HEALTH CARE COVERAGE DEMONSTRATION PROGRAMS.

''(a) ESTABLISHMENT OF PROGRAM.—

''(1) IN GENERAL.—The Secretary, through the Health Resources and Services Administration, shall establish a grant program (in this section referred to as the 'grant program') for the purpose of assisting commercial fishing States to establish, or strengthen existing, programs to expand health care coverage and access for uninsured or underinsured workers and their families in the commercial fishing industry.

''(2) TYPES OF GRANTS.—Under the grant program, the Secretary shall provide—

''(A) program planning grants under subsection (b) for commercial fishing States and organizations within such States; and

''(B) implementation and administration grants under subsection (c) for no more than 15 commercial fishing States.

''(3) APPLICATION REQUIRED.—No grant may be awarded under this section except pursuant to an application that is made in such form and manner, and containing such information, as the Secretary may require.

''(b) PROGRAM PLANNING GRANTS.—

''(1) IN GENERAL.—Under the grant program the Secretary may award grants to one or more commercial fishing States (or to organizations with a history of active involvement in the commercial fishing industry in such a State, including knowledge of economic and social aspects of such industry), not to exceed $200,000 for each year and for no more than two years, to conduct initial research and planning for the development of a qualified health care coverage program in the State. Any grantee under this subsection shall—

''(A) conduct a demographic survey of the State's commercial fishing industry and such industry's health care needs; and

''(B) develop a strategic plan, including a detailed financial plan, for implementation of a qualified health care coverage program within the State.

''(2) CONSULTATION WITH STATES.—Before awarding a grant under this subsection to an organization, the Secretary shall consult with States where the organization is located in order to assist in a determination as to whether the organization—

''(A) has the necessary familiarity with and knowledge of the commercial fishing industry in the State to fulfill the purposes of the grant; and

''(B) has a history of fraudulent or abusive practices that would disqualify the organization from carrying out the grant.

''(3) ACTIONS FOLLOWING COMPLETION OF PLANNING GRANTS.—Based on the research findings, financial plan, and other recommendations developed by the State or organization under paragraph (1), a State may submit an application for program implementation and administration grants under subsection (c).

''(c) IMPLEMENTATION AND PROGRAM ADMINISTRATION GRANTS.—

''(1) IN GENERAL.—Under the grant program, subject to the succeeding provisions of this subsection, the Secretary may award the following grants to commercial fishing States:

''(A) INITIAL IMPLEMENTATION GRANTS.—A grant, not to exceed $2,000,000 for each year and for no more than two years, for initial implementation of a qualified health care coverage program.

''(B) PROGRAM ADMINISTRATION GRANTS.—A grant, not to exceed $3,000,000 for each year and for no more than five years, for administration of a qualified health care coverage program.

''(C) CONTINUED ADMINISTRATION GRANTS.—A grant, not to exceed $3,000,000 for each year, for continued administration of a qualified health care coverage program in a State that has been awarded administration grants for 5 years under subparagraph (B) and that has satisfactorily administered such program using the funds provided by such grants for at least 5 years, if the economic conditions of the fishing industry in the program's service area (or the condition of fish stocks that are important to the fishing industry in such area) jeopardize the ability of the program to continue providing affordable health care coverage.

A grant may be made for a qualified health care coverage program under subparagraph (A) or (B) regardless of whether or not the program was developed with a program planning grant under subsection (b) or was implemented under a grant under subparagraph (A), respectively, and regardless of whether the program was developed or initially implemented before the date of the enactment of this section.

''(2) ELIGIBILITY REQUIREMENTS.—The Secretary may not award a grant under this subsection to a commercial fishing State for implementation or administration of a health care coverage program unless—

''(A) the State demonstrates that the program—

''(i) is a qualified health care coverage program and enrolls fishing industry members and their families if they were uninsured or underinsured; and

''(ii) requires Federal funding for its operation; and

''(B) the State provides assurances satisfactory to the Secretary that—

''(i) if the program is an expansion of an existing health care coverage program, the State will use the grant funding to expand the enrolled population of uninsured or underinsured commercial fishing industry members and their families, or modify coverage to comply with qualified health care coverage, under the program and to supplement, and not supplant, State provided funding for such program; or

''(ii) if the program is a new qualified health care coverage program, the State will ensure the program's continued success through the implementation of appropriate financial and consumer protection regulations, controls, licensing, or oversight policies, including (as determined by the State) any of the following:

''(I) Protection against insolvency, fraud and abuse.

''(II) State-based stop-loss protection.

''(III) Reinsurance.

''(IV) Receivership/liquidation protection against insolvency for individuals.

''(V) Another demonstration of State financial commitment.

''(3) REQUIREMENT OF MATCHING FUNDS.—

''(A) IN GENERAL.—A grant may be made under this subsection only if the State agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than $1 for each $2 of Federal funds provided in the grant.

''(B) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required in subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

''(4) CONTRACTING AUTHORITY.—

''(A) IN GENERAL.—A commercial fishing State may enter into a contract with one or more eligible non-profit organizations or companies for the purpose of conducting activities under an implementation or administration grant under this subsection and may not enter into such a contract with an organization or company which is not eligible under subparagraph (C).

''(B) SUBCONTRACTING ARRANGEMENTS.—A contractor described in subparagraph (A) may subcontract with one or more eligible non-profit organizations or companies for the purpose of conducting activities under such an implementation or administration grant, if the State approves such subcontracting arrangements.

''(C) ELIGIBILITY STANDARDS.—The Secretary shall issue regulations establishing eligibility standards for organizations and companies under this paragraph. Such standards shall include requirements that States review whether prospective contractors or subcontractors under this paragraph—

''(i) have a history of fraudulent or abusive practices that would disqualify them from participating in a contract or subcontract;

''(ii) have the capability and experience to assist in the management of a qualified health care coverage program; and

''(iii) in the case of commercial fishing organizations, have an appropriate level of familiarity with, and knowledge of, the commercial fishing industry.

''(d) DEFINITIONS.—For purposes of this section:

''(1) COMMERCIAL FISHING STATE.—The term 'commercial fishing State' means a State (as defined in section 2(f)) with a significant commercial fishing population or a significant commercial fishing industry. The Secretary shall accept a State's self-certification that it is a commercial fishing State if the State demonstrates to the Secretary that—

''(A) such self-certification is based on consultation by the State with local organizations familiar with the commercial fishing industry in the State; and

''(B) the State has a significant commercial fishing population or a significant commercial fishing industry.

''(2) COMMERCIAL FISHING INDUSTRY MEMBER.—The term 'commercial fishing industry member' means a fisherman, crewmember, boat owner, captain, shore side business owner, employee of a company that provides shore side support, harvester, or other individual performing commercial fishing industry-related work, if more than half of such individual's income derives from such work at the time the individual enrolls in a qualified health care coverage program.

''(3) QUALIFIED HEALTH CARE COVERAGE PROGRAM.—The term 'qualified health care coverage program' means a program that provides qualified health care coverage to commercial fishing industry members and their families consistent with the following:

''(A) Eligibility for enrollment of such members and families is only restricted by capacity, based on a first come, first served basis when space is limited, and health status related factors (as defined in section 2702), age, and gender may not be used as a basis for determining eligibility.

''(B) The program does not include any preexisting condition exclusion (as defined in section 2701) or any coverage elimination rider that permanently excludes from coverage an existing medical condition.

''(C) Premium rates under the program are computed based on a community rate, and may be adjusted only for income and family size.

''(4) QUALIFIED HEALTH CARE COVERAGE.—The term 'qualified health care coverage' means coverage that meets any of the following conditions:

''(A) FEHBP COVERAGE.—The coverage is actuarially equivalent to the coverage provided under the health benefits plan, under chapter 89 of title 5, United States Code, which has the largest enrollment, either in the United States or in the State involved.

''(B) STATE EMPLOYEES COVERAGE.—The coverage is actuarially equivalent to the coverage provided under the health benefits plan, that is offered by the State to State government employees, which has the largest enrollment of such plans in the State.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for the purpose of carrying out this section—

''(1) $5,000,000 for fiscal year 2009;

''(2) $5,000,000 for fiscal year 2010;

''(3) $10,000,000 for fiscal year 2011;

''(4) $10,000,000 for fiscal year 2012; and

''(5) $20,000,000 for fiscal year 2013.''.

Mr. STEVENS. Mr. President, I come to the floor to support the Commercial Fishing Industry Healthcare Coverage Act of 2008. My good friend Senator KENNEDY and I, along with Senators KERRY and MURKOWSKI, are introducing this bill to improve healthcare options for our Nation's fishermen and fishing families.

Few things are more Alaskan than fishing. Long before Alaska was even a U.S territory, our people were fishing for their livelihood. The first Alaskans, Alaska Natives depended on subsistence fishing, as many do today. Russian settlers built salteries to preserve their catch through our long, harsh winters. In the 1800s, the first canneries were built in Sitka and Klawock, marking the birth of Alaska's modern commercial fishing industry.

Today, Alaska's seafood industry is the State's largest private employer and a fundamental part of Alaskan culture. All around our State, from Ketchikan, at the Southern end of the panhandle, to Kotzebue, above the Arctic Circle, fishermen brave the elements so all Americans may enjoy the bounty of Alaskan waters. Their work is vital to the economies of numerous communities in our State.

While Alaskans have fishing in their blood, skyrocketing costs have made it increasingly difficult for these hard-working men and women to earn a living. One of the major challenges our commercial fishermen face is obtaining affordable healthcare.

The problem is not unique to my State. Lack of health coverage is a dilemma for fishermen in other coastal States. Surveys conducted in different parts of the country show fishing families are significantly more likely to be uninsured than other Americans.

The commercial fishing industry produces billions of dollars for the U.S. economy each year. Despite their contributions, the seasonal and dangerous nature of their profession bars many commercial fishermen from obtaining health insurance; most work for themselves or for small employers. Fishermen are forced to pay high premiums and deductibles, which can effectively put health insurance out of reach.

In my State, fishermen face additional complications when looking for affordable health insurance. A study by the United Fishermen of Alaska found that our fishermen are more likely to work and live in communities without a hospital. Also, fewer private insurance companies offer individual or small business medical coverage in Alaska than in other States. And, most fishermen simply cannot afford the rates charged by these providers.

That lack of basic health services impacts everyone in our fishing fleet, from our older fishermen, who may be most in need of health coverage, to the younger generation of fishermen, who find the lack of affordable healthcare a barrier to entering the profession.

As one fisherman from Juneau put it:

> I've applied with two different major health insurance providers, and both have declined me coverage because of my occupation . . . living and working without health insurance is like living on borrowed time. I constantly feel I am pushing my luck, and a single illness or injury could mean bankruptcy for me.

With the high cost of individual health insurance and the lack of proximity to healthcare facilities in Alaska families are less likely to seek preventive care, resulting in medical emergencies that could have been avoided. When uninsured fishermen end up in emergency rooms with serious diseases and injuries, taxpayers often absorb the costs.

Our bill is inspired by the successful fishermen's healthcare plan adopted by Senator KENNEDY's home State of Massachusetts, which has proven that health insurance can be made affordable for fishing families. This legislation will establish a grant program to help States and fishing organizations create and administer group health insurance programs for fishermen and fishing families.

Americans are consuming more and more seafood as they discover its great taste and considerable health benefits. We cannot forget where these fish come from. They come from the labor of men and women working up and down the coasts of this country, many struggling to earn a living and preserve a tradition that has spanned generations.

This measure would help put affordable medical care within their reach. I encourage my fellow Senators to support the bill.

By Mrs. FEINSTEIN (for herself, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COLEMAN, Ms. COLLINS, Mr. CORNYN, Mr. CRAIG, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DURBIN, Mr. ENSIGN, Mr. FEINGOLD, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. VOINOVICH, and Mr. WHITEHOUSE):

S. 2631. A bill to award a congressional gold medal to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today with my good friend and colleague, Senator MCCONNELL, to introduce the Aung San Suu Kyi Congressional Gold Medal Act of 2008.

We are proud to be joined by 73 of our colleagues in sponsoring this measure to award the Congressional Gold Medal to a woman who has inspired us all with her commitment to nonviolence, democracy, human rights, and the rule of law for the people of Burma. On December 17, 2007, the House voted 400–0 to award Suu Kyi this honor and we urge the Senate to promptly follow suit.

Last September we witnessed the largest democratic demonstrations in Burma in almost 20 years. Tens of thousands of Burmese citizens took to the streets in peaceful demonstrations to speak out against the country's oppressive military regime, and to cry out for democracy.

I watched these courageous people with a deep sense of admiration and respect.

Led by respected Buddhist monks, the people of the ''Saffron Revolution'' called on the military junta to release all political prisoners, including Nobel Peace Prize Laureate Aung San Suu Kyi, and engage in a true dialogue on national reconciliation. Yet, as it had in the past, the military junta responded to the recent peaceful protests with violence and bloodshed. Soldiers used brutal force to break up the protests, beating and sometimes killing innocent civilians.

No amount of force, however, can crush the spirit of Aung San Suu Kyi and her peaceful quest for democracy and human rights. Indeed, she is a woman of unrivaled courage. In the face of threats, intimidation, harassment, and an assassination attempt, she has never wavered from her principles and continues to support national reconciliation for all the people of Burma.

By introducing this legislation, we seek not only to honor a remarkable woman who embodies the values and standards of the Congressional Gold Medal, but also to raise our voices once again in support of her cause which is our cause: a free and democratic Burma.

By now, her story is well known. Aung San Suu Kyi was born on June 19, 1945, in Rangoon to Aung San, commander of the Burma Independence Army, and Ma Khin Kyi. In August 1988, Suu Kyi, in her first political action, sent an open letter to the military-controlled government, asking for free, open and multi-party elections. The following month, she founded the National League for Democracy, which remains dedicated to a policy of nonviolence and civil disobedience. Suu Kyi was named its general-secretary.

Recognizing the threat Suu Kyi posted to their grip on power, the Burmese junta had her placed under house arrest and held without charges or trial. Yet, despite the best efforts of the military junta to suppress the growing democratic movement, in 1990 the National League for Democracy won 82 percent of the seats in parliamentary elections. But the junta annulled the election results and refused to release Suu Kyi.

Since then, the Burmese regime—now called the State Peace and Development Council—has refused to engage in a national dialogue with Suu Kyi and the democratic opposition, and intensified its campaign of oppression and abuse. In 2003, pro-government thugs attempted to assassinate Su Kyi and other members of the National League for Democracy as they rode in a motorcade in the northern city of Depayin.

Last May, the military junta renewed her house arrest for another year. In fact, for most of the past 18 years, she has remained imprisoned or under house arrest, alone without

minimal contact with the outside world.

Yet, as in 1990, the regime has once again failed to stamp out Suu Kyi's message of democracy, human rights, non-violence and the rule of law. She continues to inspire not only the people of Burma but the entire world. Indeed, Suu Kyi's commitment to freedom and democracy has been widely recognized.

In 1990, Suu Kyi was awarded the Sakharov Prize for Freedom of Thought by the European Parliament. The prize honors efforts on behalf of human rights and fundamental freedoms, and in opposition to injustice and oppression. It is named for the late Andrei Sakharov, the Soviet dissident and Nobel Peace Prize winner.

In 1991, Suu Kyi was awarded the Nobel Peace Prize for her commitment to nonviolence and support for freedom and democracy for Burma. She was not allowed to attend the ceremony. In its recommendation, the Nobel Committee wrote:

> In the good fight for peace and reconciliation, we are dependent on persons who set examples, persons who can symbolize what we are seeking and mobilize the best in us. Aung San Suu Kyi is just such a person. She unites deep commitment and tenacity with a vision in which the end and the means form a single unit. Its most important elements are: democracy, respect for human rights, reconciliation between groups, non-violence, and personal and collective discipline.

Suu Kyi donated her $1.3 million in prize money to establish a health and education fund for Burma. She is the world's only imprisoned Nobel Peace Prize recipient.

In 2000, Suu Kyi was awarded the Presidential Medal of Freedom, the Nation's highest civilian award, by President Bill Clinton.

Last year, 45 U.S. Senators signed a letter to United Nations Secretary General Ban ki-Moon urging him to get personally involved in pressing for Suu Kyi's release.

In letter addressed to the State Peace and Development Council, a distinguished group of 59 former heads of state—including former Filipino president Corazon Aquino, former Czech president Vaclav Havel, former British prime minister John Major and former Presidents Bill Clinton, Jimmy Carter, and George H.W. Bush—called for the regime to release Aung San Suu Kyi. They correctly noted that ''Aung San Suu Kyi is not calling for revolution in Burma, but rather peaceful, nonviolent dialogue between the military, National League for Democracy, and Burma's ethnic groups.''

It is only fitting, that Congress join this international chorus in support of Aung San Suu Kyi and award her the Congressional Gold Medal.

As a U.S. Senator, I have worked hard to raise awareness about the situation in Burma and pass legislation to put pressure on the military junta to release Suu Kyi and begin a true dialogue on national reconciliation. In 1997, former Senator Bill Cohen and I authored legislation requiring the President to ban new U.S. investment in Burma if he determined that the Government of Burma had physically harmed, rearrested or exiled Aung San Suu Kyi or committed large-scale repression or violence against the Democratic opposition. President Clinton issued the Executive Order in 1997 and the ban remains on the books today.

In 2003, after the regime attempted to assassinate Aung San Suu Kyi, Senator MCCONNELL and I introduced the Burmese Freedom and Democracy Act of 2003 which placed a complete ban on imports from Burma. It allowed that ban to be renewed one year at a time for up to 3 years. It was signed into law and has been renewed one year at a time for each of the past 4 years.

Last year, the women of the United States Senate came together to form the Women's Caucus on Burma to express our solidarity with Suu Kyi, call for her immediate release, urge the United Nations to pass a binding resolution on Burma. At our inaugural event, we were pleased to be joined by First Lady Laura Bush who added her own voice to those calling for peace and democracy in Burma. Our message is clear: We will not remain silent, we will not stand still until Aung San Suu Kyi and all political prisoners are released and democratic government is restored in Burma.

This legislation is but one small step on the path to that goal. I remain hopeful that the military regime will heed the will of its people and the international community and we will be able to present Aung San Suu Kyi with this honor in person.

I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

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

S. 2631

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

SECTION 1. FINDINGS.

The Congress finds as follows:

(1) Aung San Suu Kyi was born on June 19, 1945, in Rangoon, Burma, to Aung San, commander of the Burma Independence Army, and Ma Khin Kyi.

(2) On August 15, 1988, Ms. Suu Kyi, in her first political action, sent an open letter to the military controlled government asking for free, open, and multi-party elections.

(3) On September 24, 1988, the National League for Democracy (NLD) was formed, with Ms. Suu Kyi as the general-secretary, and it was, and remains, dedicated to a policy of non-violence and civil disobedience.

(4) Ms. Suu Kyi was subsequently placed under house arrest, where she remained for the next 6 years—without being charged or put on trial—and has been imprisoned twice more; she currently remains under house arrest.

(5) Despite her detention, the National League for Democracy won an open election with an overwhelming 82 percent of the vote—which the military junta nullified.

(6) While under house arrest, she has bravely refused offers to leave the country to continue to promote freedom and democracy in Burma.

(7) For her efforts on behalf of the Burmese people, she has been awarded the Sakharov Prize for Freedom of Thought in 1990, the Presidential Medal of Freedom in 2000, and the Nobel Peace Prize in 1991.

(8) Ms. Suu Kyi continues to fight on behalf of the Burmese people, even donating her $1.3 million from her Nobel Prize to establish a health and education fund for Burma.

(9) She is the world's only imprisoned Nobel Peace Prize recipient, spending more than 12 of the past 17 years under house arrest.

(10) Despite an assassination attempt against her life, her prolonged illegal imprisonment, the constant public vilification of her character, and her inability to see her children or to see her husband before his death, Ms. Suu Kyi remains committed to peaceful dialogue with her captors, Burma's military regime, and Burma's ethnic nationalities towards bringing democracy, human rights, and national reconciliation to Burma.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design, to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (referred to in this Act as the ''Secretary'') shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 4. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

SEC. 5. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund such amounts as may be necessary to pay for the costs of the medals struck pursuant to this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 3 shall be deposited into the United States Mint Public Enterprise Fund.

By Mr. BOND:

S. 2632. A bill to ensure that the Sex Offender Registration and Notification Act is applied retroactively; to the Committee on the Judiciary.

Mr. BOND. Mr. President, today, I introduce legislation to close a series of statutory loopholes setting free convicted sex offenders who failed to register and notify their communities of

their status as required by Federal law. I was outraged recently to learn this was going on and I am sure you will agree that we must end this injustice. I urge my colleagues to join me in support of this legislation.

Under the Sex Offender Registration and Notification Act, SORNA, passed as part of the Adam Walsh Child Protection and Safety Act of 2006, sex offenders are required to register with local authorities and notify those authorities when they move or change jobs. However, judges in Michigan and Pennsylvania have freed sex offenders arrested for failing to register because of doubts over whether the statute applies to sex offenses committed prior to SORNA's implementation. A Missouri judge freed a noncomplying sex offender questioning whether provisions extending Federal jurisdiction operated retroactively.

In the Missouri case, a Federal judge released convicted sex-offender Terry L. Rich after his arrest for failure to register as a sex offender upon moving to Kansas City 20 months ago. Mr. Rich arrived after a prison stint in Iowa for failing to register there based on his previous convictions for felony sexual abuse of a child, kidnaping, indecency, child molestation and felony sexual battery of a young girl. SORNA extends Federal jurisdiction to State sex offenders by applying to those who ''travel'' in interstate commerce, and Mr. Rich seemed to qualify by moving from Iowa to Missouri in March 2006. However, the judge ruled that since Mr. Rich ''traveled'' prior to SORNA's enactment in July 2006, he was not covered by the law's present tense ''travel'' requirement.

The Pennsylvania court freed persons hiding convictions of sexual assault, rape, statutory rape, indecent assault and corruption of the morals of a 6-year-old girl. The Michigan court freed a sex offender who failed to register after convictions of first-degree rape and sodomy.

The bill I propose closes the loopholes cited by the Missouri, Michigan, and Pennsylvania courts to ensure that SORNA's registration requirement applies to sex offenders irrespective of the date of their offense or date of interstate travel. These are simple fixes to the code, but vital to ensure that no more convicted sex offenders can hide in our neighborhoods.

By Mr. REID:

S. 2636. A bill to provide needed housing reform; read the first time.

S. 2636

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 ''Foreclosure Prevention 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—MODIFICATIONS ON USE OF QUALIFIED MORTGAGE BONDS

Sec. 101. Modifications on use of qualified mortgage bonds; temporary increased volume cap for certain housing bonds.

TITLE II—EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES

Sec. 201. Emergency assistance for the redevelopment of abandoned and foreclosed homes.

TITLE III—HOUSING COUNSELING RESOURCES

Sec. 301. Housing counseling resources.

TITLE IV—HELPING FAMILIES SAVE THEIR HOME IN BANKRUPTCY ACT

Sec. 401. Short title.

Subtitle A—Minimizing Foreclosures

Sec. 411. Special rules for modification of loans secured by residences.

Sec. 412. Waiver of counseling requirement when homes are in foreclosure.

Subtitle B—Providing Other Debtor Protections

Sec. 421. Combating excessive fees.

Sec. 422. Maintaining debtors' legal claims.

Sec. 423. Resolving disputes.

Sec. 424. Enacting a homestead floor for debtors over 55 years of age.

Sec. 425. Disallowing claims from violations of consumer protection laws.

TITLE V—MORTGAGE DISCLOSURE IMPROVEMENT ACT

Sec. 501. Short title.

Sec. 502. Enhanced mortgage loan disclosures.

TITLE VI—INCENTIVES FOR BUSINESS

Sec. 601. Carryback of certain net operating losses allowed for 5 years; temporary suspension of 90 percent AMT limit.

TITLE I—MODIFICATIONS ON USE OF QUALIFIED MORTGAGE BONDS

SEC. 101. MODIFICATIONS ON USE OF QUALIFIED MORTGAGE BONDS; TEMPORARY INCREASED VOLUME CAP FOR CERTAIN HOUSING BONDS.

(a) USE OF QUALIFIED MORTGAGE BONDS PROCEEDS FOR SUBPRIME REFINANCING LOANS.—Section 143(k) of the Internal Revenue Code of 1986 (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

''(12) SPECIAL RULES FOR SUBPRIME REFINANCINGS.—

''(A) IN GENERAL.—Notwithstanding the requirements of subsection (i)(1), the proceeds of a qualified mortgage issue may be used to refinance a mortgage on a residence which was originally financed by the mortgagor through a qualified subprime loan.

''(B) SPECIAL RULES.—In applying this paragraph to any case in which the proceeds of a qualified mortgage issue are used for any refinancing described in subparagraph (A)—

''(i) subsection (a)(2)(D)(i) shall be applied by substituting '12-month period' for '42-month period' each place it appears,

''(ii) subsection (d) (relating to 3-year requirement) shall not apply, and

''(iii) subsection (e) (relating to purchase price requirement) shall be applied by using the market value of the residence at the time of refinancing in lieu of the acquisition cost.

''(C) QUALIFIED SUBPRIME LOAN.—The term 'qualified subprime loan' means an adjustable rate single-family residential mortgage loan originated after December 31, 2001, and before January 1, 2008, that the bond issuer determines would be reasonably likely to cause financial hardship to the borrower if not refinanced.

''(D) TERMINATION.—This paragraph shall not apply to any bonds issued after December 31, 2010.''.

(b) INCREASED VOLUME CAP FOR CERTAIN BONDS.—

(1) IN GENERAL.—Subsection (d) of section 146 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(5) INCREASE AND SET ASIDE FOR HOUSING BONDS FOR 2008.—

''(A) INCREASE FOR 2008.—In the case of calendar year 2008, the State ceiling for each State shall be increased by an amount equal to $10,000,000,000 multiplied by a fraction—

''(i) the numerator of which is the population of such State (as reported in the most recent decennial census), and

''(ii) the denominator of which is the total population of all States (as reported in the most recent decennial census).

''(B) SET ASIDE.—

''(i) IN GENERAL.—Any amount of the State ceiling for any State which is attributable to an increase under this paragraph shall be allocated solely for one or more qualified purposes.

''(ii) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

''(I) the issuance of exempt facility bonds used solely to provide qualified residential rental projects, or

''(II) a qualified mortgage issue (determined by substituting '12-month period' for '42-month period' each place it appears in section 143(a)(2)(D)(i)).''.

(2) CARRYFORWARD OF UNUSED LIMITATIONS.—Subsection (f) of section 146 of such Code is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULES FOR INCREASED VOLUME CAP UNDER SUBSECTION (d)(5).—

''(A) IN GENERAL.—No amount which is attributable to the increase under subsection (d)(5) may be used—

''(i) for a carryforward purpose other than a qualified purpose (as defined in subsection (d)(5)), and

''(ii) to issue any bond after calendar year 2010.

''(B) ORDERING RULES.—For purposes of subparagraph (A), any carryforward of an issuing authority's volume cap for calendar year 2008 shall be treated as attributable to such increase to the extent of such increase.''.

(c) ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Clause (ii) of section 57(a)(5)(C) of the Internal Revenue Code of 1986 is amended by striking ''shall not include'' and all that follows and inserting ''shall not include—

''(I) any qualified 501(c)(3) bond (as defined in section 145), or

''(II) any qualified mortgage bond (as defined in section 143(a)) or qualified veterans' mortgage bond (as defined in section 143(b)) issued after the date of the enactment of this subclause and before January 1, 2011.''.

(2) CONFORMING AMENDMENT.—The heading for section 57(a)(5)(C)(ii) is amended by striking ''QUALIFIED 501(c)(3) BONDS'' and inserting ''CERTAIN BONDS''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this title.

TITLE II—EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES

SEC. 201. EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES.

(a) DIRECT APPROPRIATIONS.—There shall be appropriated out of any money in the Treasury not otherwise appropriated for the

fiscal year 2008, $4,000,000,000, to remain available until expended, for assistance to States and units of general local government (as such terms are defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)) for the redevelopment of abandoned and foreclosed homes.

(b) ALLOCATION OF APPROPRIATED AMOUNTS.—

(1) IN GENERAL.—The amounts appropriated or otherwise made available to States and units of general local government under this section shall be allocated based on a funding formula established by the Secretary of Housing and Urban Development.

(2) FORMULA TO BE DEVISED SWIFTLY.—The funding formula required under paragraph (1) shall be established not later than 60 days after the date of enactment of this title.

(3) CRITERIA.—The funding formula required under paragraph (1) shall ensure that any amounts appropriated or otherwise made available under this section are allocated to States and units of general local government with the greatest need, as such need is determined in the discretion of the Secretary based on the following factors:

(A) The number and percentage of home foreclosures in each State or unit of general local government.

(B) The number and percentage of homes financed by a subprime mortgage related loan in each State or unit of general local government.

(C) The number and percentage of homes in default or delinquency in each State or unit of general local government.

(4) DISTRIBUTION.—Amounts appropriated or otherwise made available to States and units of general local government under this section shall be distributed according to the funding formula required under paragraph (1) not later than 30 days after the establishment of such formula.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Any State or unit of general local government that receives amounts pursuant to this section shall, not later than 18 months after the receipt of such amounts, use such amounts to redevelop abandoned and foreclosed homes.

(2) PRIORITY.—Any State or unit of general local government that receives amounts pursuant to this section shall in distributing such amounts give priority emphasis and consideration to those metropolitan areas, metropolitan cities, urban areas, rural areas, low- and moderate-income areas, and other areas with the greatest need, including those—

(A) with the greatest percentage of home foreclosures;

(B) with the highest percentage of homes financed by a subprime mortgage related loan; or

(C) identified by the State or unit of general local government as likely to face a significant rise in the rate of home foreclosures.

(3) ELIGIBLE USES.—

(A) IN GENERAL.—Amounts made available under this section may be used to—

(i) make grants, loans, and other financing mechanisms to community development financial institutions (as such term is defined under section 103(5) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702(5))), national intermediaries, and nonprofit housing or community development organizations and others to purchase and rehabilitate homes that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop such homes;

(ii) establish financing mechanisms for redevelopment of foreclosed upon homes, including such mechanisms as soft-seconds, loan loss reserves, and shared-equity loans for low- and moderate-income homebuyers;

(iii) purchase and rehabilitate homes that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop such homes;

(iv) establish land banks for homes that have been foreclosed upon; and

(v) demolish blighted structures.

(B) LIMITATION.—Any funds used under this section for the purchase of an abandoned or foreclosed upon home shall be at a cost equal to or less than the appraised value of the home based on the most up-to-date appraisal, as such appraisal is defined by the Secretary.

(d) RULE OF CONSTRUCTION.—Amounts appropriated or otherwise made available to States and units of general local government under this section shall be treated as though such funds were community development block grant funds under title I of the Housing and Community Development Act of 1974.

(e) WAIVER AUTHORITY.—

(1) IN GENERAL.—In administering any amounts appropriated or otherwise made available under this section, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of such funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), in order to expedite or facilitate the use of such funds.

(2) LOW AND MODERATE INCOME REQUIREMENT.—Notwithstanding the authority of the Secretary under paragraph (1), all of the funds appropriated or otherwise made available under this section shall be used with respect to persons whose income does not exceed 120 percent of area median income.

(f) EMERGENCY DESIGNATION.—The amounts appropriated under this title are designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

TITLE III—HOUSING COUNSELING RESOURCES

SEC. 301. HOUSING COUNSELING RESOURCES.

There shall be appropriated out of any money in the Treasury not otherwise appropriated, for an additional amount for the ''Neighborhood Reinvestment Corporation—Payment to the Neighborhood Reinvestment Corporation'' $200,000,000,000, to remain available until September 30, 2008, for foreclosure mitigation activities under the terms and conditions contained in the second paragraph under the heading ''Neighborhood Reinvestment Corporation—Payment to the Neighborhood Reinvestment Corporation'' of Public Law 110-161.

TITLE IV—HELPING FAMILIES SAVE THEIR HOME IN BANKRUPTCY ACT

SEC. 401. SHORT TITLE.

This title may be cited as the ''Helping Families Save Their Homes in Bankruptcy Act of 2008''.

Subtitle A—Minimizing Foreclosures

SEC. 411. SPECIAL RULES FOR MODIFICATION OF LOANS SECURED BY RESIDENCES.

(a) IN GENERAL.—Section 1322(b) of title 11, United States Code, is amended—

(1) in paragraph (10), by striking ''and'' at the end;

(2) by redesignating paragraph (11) as paragraph (12); and

(3) by inserting after paragraph (10) the following:

''(11) notwithstanding paragraph (2) and otherwise applicable nonbankruptcy law—

''(A) modify an allowed secured claim secured by the debtor's principal residence, as described in subparagraph (B), if, after deduction from the debtor's current monthly income of the expenses permitted for debtors described in section 1325(b)(3) of this title (other than amounts contractually due to creditors holding such allowed secured claims and additional payments necessary to maintain possession of that residence), the debtor has insufficient remaining income to retain possession of the residence by curing a default and maintaining payments while the case is pending, as provided under paragraph (5); and

''(B) provide for payment of such claim—

''(i) for a period not to exceed 30 years (reduced by the period for which the loan has been outstanding) from the date of the order for relief under this chapter; and

''(ii) at a rate of interest accruing after such date calculated at a fixed annual percentage rate, in an amount equal to the most recently published annual yield on conventional mortgages published by the Board of Governors of the Federal Reserve System, as of the applicable time set forth in the rules of the Board, plus a reasonable premium for risk; and''.

(b) CONFORMING AMENDMENT.—Section 1325(a)(5) of title 11, United States Code, is amended by inserting before ''with respect'' the following: ''except as otherwise provided in section 1322(b)(11) of this title,''.

SEC. 412. WAIVER OF COUNSELING REQUIREMENT WHEN HOMES ARE IN FORECLOSURE.

Section 109(h) of title 11, United States Code, is amended by adding at the end the following:

''(5) Paragraph (1) shall not apply with respect to a debtor who files with the court a certification that a foreclosure sale of the debtor's principal residence has been scheduled.''.

Subtitle B—Providing Other Debtor Protections

SEC. 421. COMBATING EXCESSIVE FEES.

Section 1322(c) of title 11, the United States Code, is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) to the extent that an allowed secured claim is secured by the debtor's principal residence, the value of which is greater than the amount of such claim, fees, costs, or charges arising during the pendency of the case may be added to secured debt provided for by the plan only if—

''(A) notice of such fees, costs or charges is filed with the court before the expiration of the earlier of—

''(i) 1 year after the time at which they are incurred; or

''(ii) 60 days before the conclusion of the case; and

''(B) such fees, costs, or charges are lawful, reasonable, and provided for in the underlying contract;

''(4) the failure of a party to give notice described in paragraph (3) shall be deemed a waiver of any claim for fees, costs, or charges described in paragraph (3) for all purposes, and any attempt to collect such fees, costs, or charges shall constitute a violation of section 524(a)(2) of this title or, if the violation occurs before the date of discharge, of section 362(a) of this title; and

''(5) a plan may provide for the waiver of any prepayment penalty on a claim secured by the principal residence of the debtor.''.

SEC. 422. MAINTAINING DEBTORS' LEGAL CLAIMS.

Section 554(e) of title 11, United States Code, is amended by adding at the end the following:

''(e) In any action in State or Federal court with respect to a claim or defense asserted by an individual debtor in such action that was not scheduled under section 521(a)(1) of this title, the trustee shall be allowed a reasonable time to request joinder or substitution as the real party in interest. If the trustee does not request joinder or substitution in such action, the debtor may proceed as the real party in interest, and no such action shall be dismissed on the ground that it is not prosecuted in the name of the real party in interest or on the ground that the debtor's claims were not properly scheduled in a case under this title.''.

SEC. 423. RESOLVING DISPUTES.

Section 1334 of title 28, United States Code, is amended by adding at the end the following: ''Notwithstanding any agreement for arbitration that is subject to chapter 1 of title 9, in any core proceeding under section 157(b) of this title involving an individual debtor whose debts are primarily consumer debts, the court may hear and determine the proceeding, and enter appropriate orders and judgments, in lieu of referral to arbitration.''.

SEC. 424. ENACTING A HOMESTEAD FLOOR FOR DEBTORS OVER 55 YEARS OF AGE.

(a) IN GENERAL.—Section 522(b)(3) of title 11, United States Code, is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end and inserting the following:

''(D) if the debtor, as of the date of the filing of the petition, is 55 years old or older, the debtor's aggregate interest, not to exceed $75,000 in value, in real property or personal property that the debtor or a dependent of the debtor uses as a principal residence, or in a cooperative that owns property that the debtor or a dependent of the debtor uses as a principal residence.''.

(b) EXEMPTION AUTHORITY.—Section 522(d)(1) of title 11, United States Code, is amended by inserting ''or, if the debtor is 55 years of age or older, $75,000 in value,'' before ''in real property''.

SEC. 425. DISALLOWING CLAIMS FROM VIOLATIONS OF CONSUMER PROTECTION LAWS.

Section 502(b) of title 11, United States Code, is amended—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(10) the claim is subject to any remedy for damages or rescission due to failure to comply with any applicable requirement under the Truth in Lending Act (15 U.S.C. 1601 et seq.), or any other provision of applicable State or Federal consumer protection law that was in force when the noncompliance took place, notwithstanding the prior entry of a foreclosure judgment.''.

TITLE V—MORTGAGE DISCLOSURE IMPROVEMENT ACT

SEC. 501. SHORT TITLE.

This title may be cited as the ''Mortgage Disclosure Improvement Act of 2008''.

SEC. 502. ENHANCED MORTGAGE LOAN DISCLOSURES.

(a) TRUTH IN LENDING ACT DISCLOSURES.—Section 128(b)(2) of the Truth in Lending Act (15 U.S.C. 1638(b)(2)) is amended—

(1) by inserting ''(A)'' before ''In the'';

(2) by striking ''a residential mortgage transaction, as defined in section 103(w)'' and inserting ''any extension of credit that is secured by the dwelling of a consumer'';

(3) by striking ''shall be made in accordance'' and all that follows through ''extended, or'';

(4) by striking ''If the'' and all that follows through the end of the paragraph and inserting the following:

''(B) In the case of an extension of credit that is secured by the dwelling of a consumer, in addition to the other disclosures required by subsection (a), the disclosures provided under this paragraph shall—

''(i) state in conspicuous type size and format, the following: 'You are not required to complete this agreement merely because you have received these disclosures or signed a loan application.'; and

''(ii) be furnished to the borrower not later than 7 business days before the date of consummation of the transaction, and at the time of consummation of the transaction, subject to subparagraph (D).

''(C) In the case of an extension of credit that is secured by the dwelling of a consumer, under which the annual rate of interest is variable, or with respect to which the regular payments may otherwise be variable, in addition to the other disclosures required by subsection (a), the disclosures provided under this paragraph shall—

''(i) label the payment schedule as follows: 'Payment Schedule: Payments Will Vary Based on Interest Rate Changes'; and

''(ii) state the maximum amount of the regular required payments on the loan, based on the maximum interest rate allowed, introduced with the following language in conspicuous type size and format: 'Your payment can go as high as _____', the blank to be filled in with the maximum possible payment amount.

''(D) In any case in which the disclosure statement provided 7 business days before the date of consummation of the transaction contains an annual percentage rate of interest that is no longer accurate, as determined under section 107(c), the creditor shall furnish an additional, corrected statement to the borrower, not later than 3 business days before the date of consummation of the transaction.''.

(b) CIVIL LIABILITY.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended—

(1) in paragraph (2)(A)(iii), by striking ''not less than $200 or greater than $2,000'' and inserting ''$5,000, such amount to be adjusted annually based on the consumer price index, to maintain current value''; and

(2) in the penultimate sentence of the undesignated matter following paragraph (4)—

(A) by striking ''only for'' and inserting ''for'';

(B) by striking ''section 125 or'' and inserting ''section 122, section 125,'';

(C) by inserting ''or section 128(b),''after ''128(a),''; and

(D) by inserting ''or section 128(b)'' before the period.

TITLE VI—INCENTIVES FOR BUSINESS

SEC. 601. CARRYBACK OF CERTAIN NET OPERATING LOSSES ALLOWED FOR 5 YEARS; TEMPORARY SUSPENSION OF 90 PERCENT AMT LIMIT.

(a) IN GENERAL.—Subparagraph (H) of section 172(b)(1) of the Internal Revenue Code of 1986 is amended to read as follows:

''(H) 5-YEAR CARRYBACK OF CERTAIN LOSSES.—

''(i) TAXABLE YEARS ENDING DURING 2001 AND 2002.—In the case of a net operating loss for any taxable year ending during 2001 or 2002, subparagraph (A)(i) shall be applied by substituting '5' for '2' and subparagraph (F) shall not apply.

''(ii) TAXABLE YEARS BEGINNING OR ENDING DURING 2006, 2007, AND 2008.—In the case of a net operating loss with respect to any eligible taxpayer (within the meaning of section 168(k)(1)(B)) for any taxable year beginning or ending during 2006, 2007, or 2008—

''(I) subparagraph (A)(i) shall be applied by substituting '5' for '2',

''(II) subparagraph (E)(ii) shall be applied by substituting '4' for '2', and

''(III) subparagraph (F) shall not apply.''.

(b) TEMPORARY SUSPENSION OF 90 PERCENT LIMIT ON CERTAIN NOL CARRYBACKS AND CARRYOVERS.—

(1) IN GENERAL.—Section 56(d) of the of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(3) ADDITIONAL ADJUSTMENTS.—For purposes of paragraph (1)(A), in the case of an eligible taxpayer (within the meaning of section 168(k)(1)(B)), the amount described in clause (I) of paragraph (1)(A)(ii) shall be increased by the amount of the net operating loss deduction allowable for the taxable year under section 172 attributable to the sum of—

''(A) carrybacks of net operating losses from taxable years beginning or ending during 2006, 2007, and 2008, and

''(B) carryovers of net operating losses to taxable years beginning or ending during 2006, 2007, or 2008.''.

(2) CONFORMING AMENDMENT.—Subclause (I) of section 56(d)(1)(A)(i) of such Code is amended by inserting ''amount of such'' before ''deduction described in clause (ii)(I)''.

(c) ANTI-ABUSE RULES.—The Secretary of Treasury or the Secretary's designee shall prescribes such rules as are necessary to prevent the abuse of the purposes of the amendments made by this section, including anti-stuffing rules, anti-churning rules (including rules relating to sale-leasebacks), and rules similar to the rules under section 1091 of the Internal Revenue Code of 1986 relating to losses from wash sales.

(d) EFFECTIVE DATES.—

(1) SUBSECTION (a).—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by subsection (a) shall apply to net operating losses arising in taxable years beginning or ending in 2006, 2007, or 2008.

(B) ELECTION.—In the case of an eligible taxpayer (within the meaning of section 168(k)(1)(B) of the Internal Revenue Code of 1986) with a net operating loss for a taxable year beginning or ending during 2006 or 2007—

(i) any election made under section 172(b)(3) of the Internal Revenue Code of 1986 may (notwithstanding such section) be revoked before November 1, 2008, and

(ii) any election made under section 172(j) of such Code shall (notwithstanding such section) be treated as timely made if made before November 1, 2008.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to taxable years ending after December 31, 1995.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 450—DESIGNATING JULY 26, 2008, AS ''NATIONAL DAY OF THE COWBOY''

Mr. ENZI (for himself, Mr. BARRASSO, Mr. ALLARD, Mr. CRAIG, Mr. CRAPO, Mr. DOMENICI, Mr. DORGAN, Mr. ENSIGN, Mr. BINGAMAN, Mr. INHOFE, Mrs. MURRAY, Mr. REID, Mr. SALAZAR, Mr. STEVENS, Mr. MARTINEZ, and Mr. JOHNSON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 450

Whereas pioneering men and women, recognized as ''cowboys'', helped establish the American West;

Whereas the cowboy embodies honesty, integrity, courage, compassion, respect, a strong work ethic, and patriotism;

Whereas the cowboy spirit exemplifies strength of character, sound family values, and good common sense;

Whereas the cowboy archetype transcends ethnicity, gender, geographic boundaries, and political affiliations;

Whereas the cowboy is an excellent steward of the land and its creatures, who lives off of the land and works to protect and enhance the environment;

Whereas cowboy traditions have been a part of American culture for generations;

Whereas the cowboy continues to be an important part of the economy through the work of approximately 727,000 ranchers in all 50 of the United States that contribute to the economic well-being of nearly every county in the Nation;

Whereas annual attendance at professional and working ranch rodeo events exceeds 27,000,000 fans and rodeo is the 7th most-watched sport in the Nation;

Whereas membership and participation in rodeo and other organizations that promote and encompass the livelihood of a cowboy span every generation and transcend race and gender;

Whereas the cowboy is a central figure in literature, film, and music and occupies a central place in the public imagination;

Whereas the cowboy is an American icon; and

Whereas the ongoing contributions made by cowboys and cowgirls to their communities should be recognized and encouraged: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 26, 2008, as ''National Day of the Cowboy''; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. ENZI. Mr. President, I am proud to introduce a resolution today honoring the men and women known as ''cowboys.'' My late colleague, Senator Craig Thomas began the tradition of introducing a Senate resolution designating the fourth Saturday of July as the National Day of the Cowboy. I am so proud to carry on that tradition. The national day celebrates the history of cowboys in America and recognizes the important work today's cowboys are doing in the United States. The cowboy spirit is about honesty, integrity, courage, and patriotism, and cowboys are models of strong character, sound family values, and good common sense.

Cowboys were some of the first men and women to settle in the American West, and they continue to make important contributions to our economy, Western culture and my home State of Wyoming today. This year's resolution designates July 26, 2008, as the National Day of the Cowboy. I hope my colleagues will join me in recognizing the important role cowboys play in our country and will work with me to pass this resolution.

SENATE RESOLUTION 451—HONORING THE ACHIEVEMENTS OF RAWLE AND HENDERSON LLP, ON ITS 225TH ANNIVERSARY AND ON BEING RECOGNIZED AS THE OLDEST LAW FIRM IN CONTINUOUS PRACTICE IN THE UNITED STATES

Mr. SPECTER (for himself and Mr. CASEY) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 451

Whereas the law firm of Rawle and Henderson LLP has established and maintained a firm of national distinction whose reputation is based upon the notable accomplishments of its founders and its commitment to providing quality legal services to its clients;

Whereas Rawle and Henderson LLP celebrates 225 years of legal service in 2008, initiated by 5 generations of a family and expanded to over 100 attorneys in 8 offices and 5 states;

Whereas Rawle and Henderson attorneys throughout the last 225 years have served both the civic and legal community in the capacity of elected officials, as well as appointed and elected judges on the Federal and State benches;

Whereas William Rawle, who founded his practice in Philadelphia in 1783, was inspired by the innovation of the Revolutionary era and his notable contemporaries, such as Benjamin Franklin;

Whereas William Rawle actively participated in the ideological revolution as well, serving as chancellor of the Associated Members of the Bar of Philadelphia, and was elected to the American Philosophical Society and helped found the Pennsylvania Academy of Fine Arts;

Whereas William Rawle was made a Trustee by the University of Pennsylvania in 1796, a position he served with ''zeal and punctuality'';

Whereas William Rawle's son, William Rawle, Jr., joined the office in 1810, along with his brother William Henry, who eventually assumed his father's position in the firm;

Whereas William Henry Rawle received his degree from the University of Pennsylvania, and published articles such as the ''Practical Treatise on the Law of Covenants for Title'', which was accepted as a legal authority throughout the Union and in England;

Whereas William Henry Rawle was also invited to speak to the law department of his alma mater, the University of Pennsylvania, and in 1884 he appeared before a joint session of Congress to deliver a speech honoring Chief Justice John Marshall;

Whereas William Henry Rawle served as vice president of the Law Association of Philadelphia, and was noted by George Washington Biddle for his ''intellectual strength and brilliancy of expression'';

Whereas William Rawle's grandson Francis Rawle, the next leader of the Rawle law offices, attended Harvard College, began his law career in 1873, and was one of the founders of the American Bar Association and its first secretary and treasurer, later becoming its president in 1902;

Whereas Francis Rawle was a prolific author who gained national recognition with his revision of Bouvier's Law Dictionary, the publication of which coincided with the centennial of the Rawle firm in 1883, and he served as a delegate from the American Bar Association to the London Conference for Reform and Codification of the Law of Nations in 1887;

Whereas Colonel William Brooke Rawle, nephew of William Henry, served his country with distinction during the Civil War, entering the Union Army as Second Lieutenant, Third Pennsylvania Cavalry, was commended by his cousin Francis Rawle for his service, and went on to earn a master's degree from the University of Pennsylvania in 1866 and to join the family firm a year later, remaining the head of the office until his death in 1915;

Whereas Joseph W. Henderson joined the Rawle firm upon graduation from Harvard Law School, expanding the firm's reputation for legal excellence and eventually becoming a partner in 1917;

Whereas, in similar fashion to his colleagues, Joseph Henderson reached a position of considerable power in the Philadelphia Bar Association and became chairman of the Association's Board of Governors in 1936;

Whereas Joseph Henderson carried on the firm's tradition of leadership upon the passing of Francis Rawle, and oversaw 2 other significant additions, George Brodhead and Tom Mount, who worked in trusts and estates and the admiralty business, respectively;

Whereas Joseph Henderson continued to lead the firm with landmark cases in the area of ship owner liability, arguing many of them before the Supreme Court;

Whereas the Rawle and Henderson firm has evolved into one of the leading legal firms in the country, employing a racially and socioeconomically diverse staff, and has a number of attorneys honored as ''Super Lawyers'' in Pennsylvania; and

Whereas, supported upon the integrity of its founders and the numerous accomplishments of the Rawle family and of Joseph W. Henderson, the firm of Rawle and Henderson is primed to extend its history and tradition of legal innovation into a future of continued prominence: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the achievement of Rawle and Henderson LLP on its 225th anniversary and on being recognized as the oldest law firm in continuous practice in the United States; and

(2) salutes the profound legacy the attorneys of Rawle and Henderson LLP have provided to the civic and legal community of Pennsylvania and the Nation.

Mr. SPECTER. Mr. President, I seek recognition to congratulate the firm of Rawle and Henderson LLP on its 225th anniversary, and on being recognized as the oldest law firm in continuous practice in the U.S.

Five generations of the Rawle family have established and maintained a firm that has expanded to over a hundred attorneys in eight offices and five States. Rawle and Henderson attorneys have served as elected officials in both the civic and legal community throughout the past 225 years, and have served as appointed and elected judges on the Federal and State benches.

Inspired by Benjamin Franklin's accomplishments, William Rawle founded his practice in Philadelphia in 1783. His two sons followed their father's example, joining the practice in 1810. Joseph W. Henderson, a graduate of Harvard Law School, joined the firm in 1917, expanding the firm's reputation for legal excellence, and arguing numerous landmark cases before the Supreme Court. The Rawle and Henderson firm continues to prosper in 2008, employing a

racially and socioeconomically diverse staff.

The exceptional individuals who have founded and expanded the Rawle and Henderson firm into the prestigious organization it is today should be honored for their achievements. Their service has greatly benefited the civic and legal community of Pennsylvania and the U.S. I am confident that the Rawle and Henderson firm will continue to match their predecessors' commendable accomplishments for years to come.

SENATE RESOLUTION 452—COMMEMORATING THE 250TH ANNIVERSARY OF THE NAMING OF PITTSBURGH AS THE CULMINATION OF THE FORBES CAMPAIGN ACROSS PENNSYLVANIA AND THE SIGNIFICANCE THIS EVENT PLAYED IN THE MAKING OF AMERICA, IN THE SETTLEMENT OF THE CONTINENT, AND IN SPREADING THE IDEALS OF FREEDOM AND DEMOCRACY THROUGHOUT THE WORLD

Mr. SPECTER (for himself and Mr. CASEY) submitted the following resolution; which was considered and agreed to:

S. RES. 452

Whereas the Forks of the Ohio at today's Pittsburgh should forever be remembered as the place where an army of British and Colonial soldiers took control of Fort Duquesne from the French, a turning point in the French and Indian War, the first world war;

Whereas the British victory in the French and Indian War sowed the seeds of Colonial discontent with British rule, beginning the chain of events that led to the American Revolution;

Whereas the British Army under the leadership of General John Forbes built the first road across the Allegheny Mountains, thus securing the Gateway to the West for British and later American settlement;

Whereas General Forbes and Colonel George Washington named the location Pittsburgh, in honor of William Pitt the Elder;

Whereas Fort Pitt provided a safe haven for peoples from around the world to follow in Forbes' and Washington's footsteps to travel to Pittsburgh to settle the continent and to pioneer advancements in industry, science, technology, education, the environment, and the arts;

Whereas Pittsburgh went on to become the Crucible of the Industrial Revolution, producing glass, steel, and aluminum that have a place in every skyline in the United States, and perfecting the technologies that made it possible for alternating current to illuminate the Nation;

Whereas the people of the Pittsburgh region pioneered modern philanthropy, implemented the first smoke control regulation, developed the polio vaccine, and conquered rejection of transplanted organs, improving countless lives worldwide;

Whereas Pittsburgh is today a global leader in such emerging fields as materials science, regenerative medicine, nanotechnology, electro-optics, robotics, data storage, computer science, and commercial nuclear power;

Whereas Pittsburgh is home to more than 100 multi-billion dollar global corporations that improve the lives of people around the world;

Whereas Pittsburgh provides a high quality of life to its residents, offering unparalleled arts and cultural opportunities for a city of its size;

Whereas, in 2007 and in 1985, Pittsburgh was named America's Most Livable City, the only city in the United States to earn that honor twice;

Whereas Pittsburgh is commemorating its naming and its impact on the world with Pittsburgh 250, a year-long celebration involving communities in 14 Pennsylvania counties, parts of 7 States, and the District of Columbia;

Whereas Pittsburgh 250 has connected Washington, DC to Pittsburgh by supporting the completion of the Great Allegheny Passage Trail, the longest hiking and biking trail east of the Mississippi and the most accessible great trail experience in the world, providing an important new outdoor recreational asset to the people of the Mid-Atlantic United States; and

Whereas Pittsburgh has accomplished all of these things with an unparalleled history of public and private partnership: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 250th anniversary of the Naming of Pittsburgh, known as a significant event in United States history;

(2) recognizes that Pittsburgh 250 is organizing the commemoration on behalf of 14 counties in southwestern Pennsylvania;

(3) encourages participation for all Americans to learn how the Forbes Campaign, the opening of the Gateway to the West, the industrialization of America, and the environmental transformation of Pittsburgh helped to make America; and

(4) commends the contributions of those who have followed trails to Pittsburgh for 250 years to shape the world we live in and the Nation we have become.

SENATE RESOLUTION 453—RECOGNIZING FEBRUARY 20, 2008, AS THE 100TH ANNIVERSARY OF ABRAHAM BALDWIN AGRICULTURAL COLLEGE

Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted the following resulution; which was considered and agreed to:

S. RES. 453

Whereas the Second District Agricultural and Mechanical School opened its doors for classes on February 20, 1908, with 3 instructors and 27 students;

Whereas the school became a senior college for men, the first in south Georgia, in 1929;

Whereas the school changed its name in 1933 to Abraham Baldwin Agricultural College in honor of a Georgia signer of the Constitution of the United States and the first president of the University of Georgia;

Whereas the college recorded its all-time highest enrollment during the 2007 fall semester with 3,665 students from 154 Georgia counties, 12 other States, and 9 countries;

Whereas the college has expanded its curriculum to include 57 programs of study;

Whereas the college bears strong witness to its roots, with the Division of Agriculture and Forest Resources remaining the largest division of study on the 421 acre campus with over 800 students;

Whereas Washington Monthly Magazine named the college as one of the 10 best community colleges in America in 2007;

Whereas Turfnet Magazine selected the college's 2-year turfgrass program as the 7th best program of its kind in the United States and Canada in 2007;

Whereas the college celebrates among its alumni the Honorable George T. Smith, the only man in the history of Georgia to serve in elected positions in all 3 branches of State government, having served as Lieutenant Governor, Speaker of the House of Representatives, and as a justice on the Supreme Court of Georgia; and

Whereas February 20, 2008, marks the 100th anniversary of Abraham Baldwin Agricultural College: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 100th anniversary of Abraham Baldwin Agricultural College for its great contributions to the community and to higher education in Georgia; and

(2) recognizes the achievements of the administration, faculty, students, and staff of Abraham Baldwin Agricultural College.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4019. Mr. JOHNSON 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 4020. Mr. TESTER proposed an amendment 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, supra.

SA 4021. Mr. THUNE 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, supra; which was ordered to lie on the table.

SA 4022. Mr. GREGG proposed an amendment to amendment SA 3900 proposed by Mr. Sanders (for himself, Mr. OBAMA, Ms. CANTWELL, Mr. KERRY, Ms. SNOWE, Ms. COLLINS, Mr. SUNUNU, Mr. MENEDEZ, Mr. LEAHY, Mrs. CLINTON, Mr. KENNEDY, and Mr. DURBIN) to the 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, supra.

SA 4023. Ms. MIKULSKI (for herself, Mr. COLEMAN, and Ms. KLOBUCHAR) 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, supra; which was ordered to lie on the table.

SA 4024. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4025. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4026. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4027. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4028. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4029. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4030. Mr. COBURN submitted an amendment intended to be proposed by him

to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4031. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4032. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4033. Mr. COBURN (for himself and Mr. DEMINT) 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, supra; which was ordered to lie on the table.

SA 4034. Mr. COBURN 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, supra; which was ordered to lie on the table.

SA 4035. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4036. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, supra; which was ordered to lie on the table.

SA 4037. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4019. Mr. JOHNSON 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 298, after line 25, insert the following:

"SEC. 71__. TESTIMONY BY SERVICE EMPLOYEES IN CASES OF RAPE AND SEXUAL ASSAULT.

''(a) APPROVAL BY DIRECTOR.—

''(1) IN GENERAL.—The Director shall approve or disapprove, in writing, any request or subpoena for a sexual assault nurse examiner employed by the Service to provide testimony in a deposition, trial, or other similar proceeding regarding information obtained in carrying out the official duties of the nurse examiner.

''(2) REQUIREMENT.—The Director shall approve a request or subpoena under paragraph (1) if the request or subpoena does not violate the policy of the Department to maintain strict impartiality with respect to private causes of action.

''(3) TREATMENT.—If the Director fails to approve or disapprove a request or subpoena by the date that is 7 days after the date of receipt of the request or subpoena, the request or subpoena shall be considered to be approved for purposes of this subsection.

''(b) POLICIES AND PROTOCOL.—The Director, in coordination with the Director of the Office on Violence Against Women of the Department of Justice, in consultation with Indian Tribes and Tribal Organizations, and in conference with Urban Indian Organizations, shall develop standardized sexual assault policies and protocol for the facilities of the Service.

SA 4020. Mr. TESTER proposed an amendment 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; as follows:

On page 336, between lines 2 and 3, insert the following:

"SEC. 815. SENSE OF CONGRESS REGARDING LAW ENFORCEMENT AND METHAMPHETAMINE ISSUES IN INDIAN COUNTRY.

''It is the sense of Congress that Congress encourages State, local, and Indian tribal law enforcement agencies to enter into memoranda of agreement between and among those agencies for purposes of streamlining law enforcement activities and maximizing the use of limited resources—

''(1) to improve law enforcement services provided to Indian tribal communities; and

''(2) to increase the effectiveness of measures to address problems relating to methamphetamine use in Indian Country (as defined in section 1151 of title 18, United States Code).

SA 4021. Mr. THUNE 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:

On page 347, after line 24, add the following:

SEC. 104. GAO STUDY OF TRIBAL JUSTICE SYSTEMS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct, and submit to Congress a report describing the results of, a study of the tribal justice systems of Indian tribes located in the States of North Dakota and South Dakota.

(b) INCLUSIONS.—The study under subsection (a) shall include, with respect to the tribal system of each Indian tribe described in subsection (a) and the tribal justice system as a whole—

(1)(A) a description of how the tribal justice systems function, or are supposed to function; and

(B) a description of the components of the tribal justice systems, such as tribal trial courts, courts of appeal, applicable tribal law, judges, qualifications of judges, the selection and removal of judges, turnover of judges, the creation of precedent, the recording of precedent, the jurisdictional authority of the tribal court system, and the separation of powers between the tribal court system, the tribal council, and the head of the tribal government;

(2) a review of the origins of the tribal justice systems, such as the development of the systems pursuant to the Act of June 18, 1934 (25 U.S.C. 461 et seq.) (commonly known as the ''Indian Reorganization Act''), which promoted tribal constitutions and addressed the tribal court system;

(3) an analysis of the weaknesses of the tribal justice systems, including the adequacy of law enforcement personnel and detention facilities, in particular in relation to crime rates; and

(4) an analysis of the measures that tribal officials suggest could be carried out to improve the tribal justice systems, including an analysis of how Federal law could improve and stabilize the tribal court system.

SA 4022. Mr. GREGG proposed an amendment to amendment SA 3900 proposed by Mr. SANDERS (for himself, Mr. OBAMA, Ms. CANTWELL, Mr. KERRY, Ms. SNOWE, Ms. COLLINS, Mr. SUNUNU, Mr. MENENDEZ, Mr. LEAHY, Mrs. CLINTON, Mr. KENNEDY, and Mr. DURBIN) to the 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; as follows:

Strike all after line 1 and insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

(a) IN GENERAL.—There are authorized to be appropriated, and there are appropriated, out of any money in the Treasury not otherwise appropriated—

(1) $400,000,000 (to remain available until expended) for making payments under subsections (a) through (d) of section 2604 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623); and

(2) $400,000,000 (to remain available until expended) for making payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), notwithstanding the designation requirement of section 2602(e) of that Act (42 U.S.C. 8621(e)).

(b) RESCISSION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, each discretionary amount provided by the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 1844), excluding the amounts made available for the purposes described in paragraph (2), is reduced by the pro rata percentage required to reduce the total amount provided by that Act by $800,000,000.

(2) EXCEPTED PURPOSES.—The reduction under paragraph (1) shall not apply to any discretionary amount made available in the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 1844), for purposes of—

(A) the Department of Defense; or

(B) the low-income home energy assistance program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

SA 4023. Ms. MIKULSKI (for herself, Mr. COLEMAN, and Ms. KLOBUCHAR) 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:

On page 397, after line 2, add the following:

SEC. 213. MORATORIUM ON IMPLEMENTATION OF CHANGES TO CASE MANAGEMENT AND TARGETED CASE MANAGEMENT PAYMENT REQUIREMENTS UNDER MEDICAID.

(a) MORATORIUM.—

(1) DELAYED IMPLEMENTATION OF DECEMBER 4, 2007, INTERIM FINAL RULE.—The interim final rule published on December 4, 2007, at pages 68,077 through 68,093 of volume 72 of the Federal Register (relating to parts 431, 440, and 441 of title 42 of the Code of Federal Regulations) shall not take effect before April 1, 2009.

(2) CONTINUATION OF 2007 PAYMENT POLICIES AND PRACTICES.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy or practice, including a Medical Assistance Manual transmittal or issuance of a letter to State Medicaid directors) to restrict coverage or payment under title XIX of the Social Security Act for case management and targeted case management services if such action is more restrictive than the administrative action, policy, or practice that applies to coverage of, or payment for, such services under title XIX of the Social Security Act on December 3, 2007. Any such action taken by the Secretary of Health and Human Services during the period that begins on December 4, 2007, and ends on March 31, 2009, that is based in whole or in part on the interim final rule described in subsection (a) is null and void.

(b) INCLUSION OF MEDICARE PROVIDERS AND SUPPLIERS IN FEDERAL PAYMENT LEVY AND ADMINISTRATIVE OFFSET PROGRAM.—

(1) IN GENERAL.—Section 1874 of the Social Security Act (42 U.S.C. 1395kk) is amended by adding at the end the following new subsection:

''(d) INCLUSION OF MEDICARE PROVIDER AND SUPPLIER PAYMENTS IN FEDERAL PAYMENT LEVY PROGRAM.—

''(1) IN GENERAL.—The Centers for Medicare & Medicaid Services shall take all necessary steps to participate in the Federal Payment Levy Program under section 6331(h) of the Internal Revenue Code of 1986 as soon as possible and shall ensure that—

''(A) at least 50 percent of all payments under parts A and B are processed through such program beginning within 1 year after the date of the enactment of this section;

''(B) at least 75 percent of all payments under parts A and B are processed through such program beginning within 2 years after such date; and

''(C) all payments under parts A and B are processed through such program beginning not later than September 30, 2011.

''(2) ASSISTANCE.—The Financial Management Service and the Internal Revenue Service shall provide assistance to the Centers for Medicare & Medicaid Services to ensure that all payments described in paragraph (1) are included in the Federal Payment Levy Program by the deadlines specified in that subsection.''.

(2) APPLICATION OF ADMINISTRATIVE OFFSET PROVISIONS TO MEDICARE PROVIDER OR SUPPLIER PAYMENTS.—Section 3716 of title 31, United States Code, is amended—

(A) by inserting ''the Department of Health and Human Services,'' after ''United States Postal Service,'' in subsection (c)(1)(A); and

(B) by adding at the end of subsection (c)(3) the following new subparagraph:

''(D) This section shall apply to payments made after the date which is 90 days after the enactment of this subparagraph (or such earlier date as designated by the Secretary of Health and Human Services) with respect to claims or debts, and to amounts payable, under title XVIII of the Social Security Act.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

SA 4024. Mr. COBURN 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:

At the appropriate place in title VIII of the Indian Health Care Improvement Act (as amended by section 101), insert the following:

''SEC. 8___. SCIENTIFICALLY EFFECTIVE HEALTH PROMOTION SERVICES.

''Notwithstanding any other provision of this Act, coverage of health promotion services under this Act shall only be for medical or preventive health services or activities—

''(1) for which scientific evidence demonstrates a direct connection to improving health; and

''(2) that are provided in accordance with applicable medical standards of care.

SA 4025. Mr. COBURN 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:

At the appropriate place in title VIII of the Indian Health Care Improvement Act (as amended by section 101), insert the following:

''SEC. 8___. NO RACIAL PREFERENCE IN EMPLOYMENT.

''Notwithstanding any other provision of this Act, nothing in this Act authorizes any racial preference in employment.

SA 4026. Mr. COBURN 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:

Strike paragraph (5) of section 713(b) of the Indian Health Care Improvement Act (as amended by section 101) and insert the following:

''(5) To identify and provide behavioral health treatment to Indian perpetrators and perpetrators who are members of an Indian household making efforts to begin offender and behavioral health treatment while the perpetrator is incarcerated or at the earliest possible date if the perpetrator is not incarcerated.

At the end of section 713 of the Indian Health Care Improvement Act (as amended by section 101), add the following:

''(d) LIMITATION ON FUNDING.—Treatment shall be provided for a perpetrator pursuant to this section only if the treatment is scientifically demonstrated to reduce the potential of the perpetrator to commit child sexual abuse again, and shall not provide the basis to reduce any applicable criminal punishment or civil liability for that abuse.

SA 4027. Mr. COBURN 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:

At the appropriate place in title VII of the Indian Health Care Improvement Act (as amended by section 101), insert the following:

''SEC. 7___. CRIMINAL CONDUCT.

''Nothing in this title—

''(1) establishes any defense, not otherwise applicable under law, for any individual accused of any crime, including physical or sexual abuse of children or family violence; or

''(2) preempts or otherwise affects any applicable requirement for—

''(A) reporting of criminal conduct, including for child abuse or family violence; or

''(B) creating any new privilege concerning disclosure.

SA 4028. Mr. COBURN 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 347, after line 24, add the following:

SEC. 104. BLOOD QUANTUM REQUIREMENT FOR FEDERAL RECOGNITION OF INDIAN TRIBES.

Effective beginning on the date of enactment of this Act, in determining whether to extend Federal recognition to an Indian tribe or other Indian group under part 83 of title 25, Code of Federal Regulations (or successor regulations), the Secretary of the Interior shall require that each member of the Indian tribe or group possess a degree of Indian blood of not less than 1/512.

SA 4029. Mr. COBURN 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 347, after line 24, add the following:

SEC. 104. GAO STUDY OF MEMBERSHIP CRITERIA FOR FEDERALLY RECOGNIZED INDIAN TRIBES.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study of membership criteria for federally recognized Indian tribes, including—

(1) the number of federally recognized Indian tribes in existence on the date on which the study is conducted;

(2) the number of those Indian tribes that use blood quantum as a criterion for membership in the Indian tribe and the importance assigned to that criterion;

(3) the percentage of members of federally recognized Indian tribes that possesses degrees of Indian blood of—

(A) 1/4;

(B) 1/8; and

(C) 1/16; and

(4) the variance in wait times and rationing of health care services within the Service between federally recognized Indian Tribes that use blood quantum as a criterion for membership and those Indian Tribes that do not use blood quantum as such a criterion.

SA 4030. Mr. COBURN 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:

Strike section 221 of the Indian Health Care Improvement Act (as amended by section 101) and insert the following:

''SEC. 221. LICENSING.

''Nothing in this Act preempts any State requirement regarding licensing of any health care personnel.

SA 4031. Mr. COBURN 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:

At the appropriate place in title VIII of the Indian Health Care Improvement Act (as amended by section 101), insert the following:

''SEC. 8___. GAO ASSESSMENT.

''Not later than 1 year after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the Comptroller General of the United States shall

conduct, and submit to Congress a report describing the results of, an assessment of—

''(1) the average wait time of patients in the Service;

''(2) the extent of rationing of health care services in the Service;

''(3) the average per capita health care spending on Indians eligible for health care services through the Service;

''(4) the overall health outcomes in Indians, as compared to the overall health outcomes of other residents of the United States;

''(5) patient satisfaction of Indians receiving health care services through the Service;

''(6) the total amount of funds of the Service expended for—

''(A) direct medical care; and

''(B) administrative expenses;

''(7) the health care coverage options available to Indians receiving health care services through the Service;

''(8) the health care services options available to Indians; and

''(9) the health care provider options available to Indians.

SA 4032. Mr. COBURN 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:

At the appropriate place in the Indian Health Care Improvement Act (as amended by section 101), insert the following:

''SEC. _____. TESTING FOR SEXUALLY TRANSMITTED DISEASES IN CASES OF SEXUAL VIOLENCE.

''The Attorney General shall ensure that, with respect to any Federal criminal action involving a sexual assault, rape, or other incident of sexual violence against an Indian—

''(1)(A) at the request of the victim, a defendant is tested for the human immunodeficiency virus (HIV) and such other sexually transmitted diseases as are requested by the victim not later than 48 hours after the date on which the applicable information or indictment is presented;

''(B) a notification of the test results is provided to the victim or the parent or guardian of the victim and the defendant as soon as practicable after the results are generated; and

''(C) such follow-up tests for HIV and other sexually transmitted diseases are provided as are medically appropriate, with the test results made available in accordance with subparagraph (B); and

''(2) pursuant to section 714(a), HIV and other sexually transmitted disease testing, treatment, and counseling is provided for victims of sexual abuse.

SA 4033. Mr. COBURN (for himself and Mr. DEMINT) 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:

On page 336, between lines 13 and 14, insert the following:

''SEC. 817. TRIBAL MEMBER CHOICE DEMONSTRATION PROJECT.

''(a) IN GENERAL.—The Secretary shall establish a demonstration project in not less than 3 Service Areas (chosen by the Secretary for optimal participation) under which eligible participants shall be provided with a risk-adjusted subsidy for the purchase of qualified health insurance (as defined in subsection (f)) in order to—

''(1) improve Indian access to high quality health care services;

''(2) provide incentives to Indian patients to seek preventive health care services;

''(3) create opportunities for Indians to participate in the health care decision process;

''(4) encourage effective use of health care services by Indians; and

''(5) allow Indians to make health care coverage and delivery decisions and choices.

''(b) ELIGIBLE PARTICIPANT.—

''(1) VOLUNTARY ENROLLMENT FOR 12-MONTH PERIODS.—

''(A) IN GENERAL.—In this section, the term 'eligible participant' means an Indian who—

''(i) is a member of a federally-recognized Indian Tribe; and

''(ii) voluntarily agrees to enroll in the project conducted under this section (or in the case of a minor, is voluntarily enrolled on their behalf by a parent or caretaker) for a period of not less than 12 months in lieu of obtaining items or services through any Indian Health Program or any other federally-funded program during any period in which the Indian is enrolled in the project.

''(B) VOLUNTARY EXTENSIONS OF ENROLLMENT.—An eligible participant may voluntarily extend the participant's enrollment in the project for additional 12-month periods.

''(2) HARDSHIP EXCEPTION.—The Secretary shall specify criteria for permitting an eligible participant to disenroll from the project before the end of any 12-month period of enrollment to prevent undue hardship.

''(c) SUBSIDIES REQUIREMENT.—The average amount of all subsidies provided to eligible participants enrolled in the demonstration project established under this section for each 12-month period during which the project is conducted shall not exceed the amount equal to the average of the per capita expenditures for providing Indians items or services from all Indian Health Programs for the most recent fiscal year for which data is available.

''(d) SPECIAL RULES.—

''(1) TREATMENT.—The amount of a subsidy provided to an eligible participant in the project shall not be counted as income or assets for purposes of determining eligibility for benefits under any Federal public assistance program.

''(2) BUDGET NEUTRALITY.—In conducting the demonstration project under this section, the Secretary shall ensure that the aggregate payments made to carry out the project do not exceed the amount of Federal expenditures which would have been made for the provision of health care items and services to eligible participants if the project had not been implemented.

''(e) DEMONSTRATION PERIOD; REPORTS TO CONGRESS.—

''(1) DEMONSTRATION PERIOD.—

''(A) INITIAL PERIOD.—The demonstration project established under this section shall begin not later than the date that is 1 year after the date of enactment of this section and shall be conducted for a period of 5 years.

''(B) EXTENSIONS.—The Secretary may extend the project for such additional periods as the Secretary determines appropriate, unless the Secretary determines that the project is unsuccessful in achieving the purposes described in subsection (a), taking into account cost-effectiveness, quality of care, and such other criteria as the Secretary may specify.

''(2) PERIODIC REPORTS TO CONGRESS.—During the 5-year period described in paragraph (1), the Secretary shall periodically submit reports to Congress regarding the progress of demonstration project conducted under this section. Each report shall include information concerning the populations participating in the project, participant satisfaction (determined by indicators of satisfaction with security, affordability, access, choice, and quality) as compared with items and services that the participant would have received from Indian Health Programs, and the impact of the project on access to, and the availability of, high quality health care services for Indians.

''(f) QUALIFIED HEALTH INSURANCE.—

''(1) IN GENERAL.—In this section, the term 'qualified health insurance' means insurance which constitutes medical care as defined in section 213(d) of the Internal Revenue Code of 1986 without regard to—

''(A) paragraph (1)(C) thereof, and

''(B) so much of paragraph (1)(D) thereof as relates to qualified long-term care insurance contracts.

''(2) EXCLUSION OF CERTAIN OTHER CONTRACTS.—Such term shall not include insurance if a substantial portion of its benefits are excepted benefits (as defined in section 9832(c) of such Code).''.

SA 4034. Mr. COBURN 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:

On page 336, between lines 13 and 14, insert the following:

''SEC. 817. TRIBAL MEMBER CHOICE PROGRAM.

''(a) IN GENERAL.—The Secretary shall establish a program in geographically feasible Service Areas (as determined by the Secretary, taking into account those Service Areas that are likely to have optimal participation) under which eligible participants shall be provided with a risk-adjusted subsidy for the purchase of qualified health insurance (as defined in subsection (f)) in order to—

''(1) improve Indian access to high quality health care services;

''(2) provide incentives to Indian patients to seek preventive health care services;

''(3) create opportunities for Indians to participate in the health care decision process;

''(4) encourage effective use of health care services by Indians; and

''(5) allow Indians to make health care coverage and delivery decisions and choices.

''(b) ELIGIBLE PARTICIPANT.—

''(1) VOLUNTARY ENROLLMENT FOR 12-MONTH PERIODS.—

''(A) IN GENERAL.—In this section, the term 'eligible participant' means an Indian who—

''(i) is a member of a federally-recognized Indian Tribe; and

''(ii) voluntarily agrees to enroll in the program conducted under this section (or in the case of a minor, is voluntarily enrolled on their behalf by a parent or caretaker) for a period of not less than 12 months in lieu of obtaining items or services through any Indian Health Program or any other federally-funded program during any period in which the Indian is enrolled in the program.

''(B) VOLUNTARY EXTENSIONS OF ENROLLMENT.—An eligible participant may voluntarily extend the participant's enrollment in the program for additional 12-month periods.

''(2) HARDSHIP EXCEPTION.—The Secretary shall specify criteria for permitting an eligible participant to disenroll from the program

before the end of any 12-month period of enrollment to prevent undue hardship.

''(c) SUBSIDIES REQUIREMENT.—The average amount of all subsidies provided to eligible participants enrolled in the program established under this section for each 12-month period during which the program is conducted shall not exceed the amount equal to the average of the per capita expenditures for providing Indians items or services from all Indian Health Programs for the most recent fiscal year for which data is available.

''(d) SPECIAL RULES.—

''(1) TREATMENT.—The amount of a subsidy provided to an eligible participant in the program shall not be counted as income or assets for purposes of determining eligibility for benefits under any Federal public assistance program.

''(2) BUDGET NEUTRALITY.—In conducting the program under this section, the Secretary shall ensure that the aggregate payments made to carry out the program do not exceed the amount of Federal expenditures which would have been made for the provision of health care items and services to eligible participants if the program had not been implemented.

''(e) IMPLEMENTATION; REPORTS TO CONGRESS.—

''(1) IMPLEMENTATION.—

''(A) INITIAL PERIOD.—The program established under this section shall begin not later than the date that is 1 year after the date of enactment of this section and shall be conducted for a period of at least 5 years.

''(B) EXTENSIONS.—The Secretary may extend the program for such additional periods as the Secretary determines appropriate, unless the Secretary determines that the program is unsuccessful in achieving the purposes described in subsection (a), taking into account cost-effectiveness, quality of care, and such other criteria as the Secretary may specify.

''(2) REPORTS TO CONGRESS.—During the initial 5-year period in which the program is conducted, and during any period thereafter in which the program is extended, the Secretary shall periodically submit reports to Congress regarding the progress of program. Each report shall include information concerning the populations participating in the program, participant satisfaction (determined by indicators of satisfaction with security, affordability, access, choice, and quality) as compared with items and services that the participant would have received from Indian Health Programs, and the impact of the program on access to, and the availability of, high quality health care services for Indians.

''(f) QUALIFIED HEALTH INSURANCE.—

''(1) IN GENERAL.—In this section, the term 'qualified health insurance' means insurance which constitutes medical care as defined in section 213(d) of the Internal Revenue Code of 1986 without regard to—

''(A) paragraph (1)(C) thereof, and

''(B) so much of paragraph (1)(D) thereof as relates to qualified long-term care insurance contracts.

''(2) EXCLUSION OF CERTAIN OTHER CONTRACTS.—Such term shall not include insurance if a substantial portion of its benefits are excepted benefits (as defined in section 9832(c) of such Code).''.

SA 4035. Mr. COBURN 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:

At the appropriate place in title VIII of the Indian Health Care Improvement Act (as amended by section 101), insert the following:

''SEC. 8___. REQUIREMENT.

''Not less than 85 percent of amounts made available to carry out this Act shall be used to provide the medical services authorized by this Act.

SA 4036. Mr. COBURN 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 121, strike line 15 and insert the following:

''(c) PRIORITIZATION.—Before providing any hospice care, assisted living service, long-term care service, or home- or community-based service pursuant to this section, the Secretary shall give priority to the provision of basic medical services to Indians.

''(d) DEFINITIONS.—For the purposes of this section,

SA 4037. Mr. COBURN 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 121, strike line 15 and insert the following:

''(c) EFFECTIVE DATE.—

''(1) EFFECTIVE DATE.—This section takes effect on the date on which the Secretary makes the certification described in paragraph (2).

''(2) CERTIFICATION.—The certification referred to in paragraph (1) is a certification by the Secretary to Congress that—

''(A) the service availability, rationing, and wait times for existing health services within the Service are—

''(i) acceptable to Indians; and

''(ii) comparable to the service availability and wait times experienced by other residents of the United States; and

''(B) the provision of services under this section will not divert resources from or negatively affect the provision of basic medical and dental services by the Service.

''(d) DEFINITIONS.—For the purposes of this section,

NOTICE OF HEARING

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 Committee on Energy and Natural Resources Subcommittee on Public Lands and Forests.

The hearing will be held on February 27, 2008, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 832, to provide for the sale of approximately 25 acres of public land to the Turnabout Ranch, Escalante, Utah, at fair market value; S. 2229, to withdraw certain Federal land in the Wyoming Range from leasing and provide an opportunity to retire certain leases in the Wyoming Range; S. 2379, to authorize the Secretary of the Interior to cancel certain grazing leases on land in Cascade-Siskiyou National Monument that are voluntarily waived by the lessees, to provide for the exchange of certain Monument land in exchange for private land, to designate certain Monument land as wilderness, and for other purposes; S. 2508 and H.R. 903, to provide for a study of options for protecting the open space characteristics of certain lands in and adjacent to the Arapaho and Roosevelt National Forests in Colorado, and for other purposes; S. 2601 and H.R. 1285, to provide for the conveyance of a parcel of National Forest System land in Kittitas County, Washington, to facilitate the construction of a new fire and rescue station, and for other purposes; H.R. 523, to require the Secretary of the Interior to convey certain public land located wholly or partially within the boundaries of the Wells Hydroelectric Project of Public Utility District No. 1 of Douglas County, Washington, to the utility district; H.R. 838, to provide for the conveyance of the Bureau of Land Management parcels known as the White Acre and Gambel Oak properties and related real property to Park City, Utah, 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 should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to rachel_pasternack@energy.senate.gov.

For further information, please contact Kira Finkler at (202) 224–5523 or Rachel Pasternack at (202) 224–0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, February 13, 2008, at 9:30 a.m., in open session in order to receive testimony on improvements implemented and planned by the Department of Defense and the Department of Veterans Affairs for the care, management, and transition of wounded and ill servicemembers.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 13, 2008, at 10 a.m., in order to conduct a mark up of an original bill entitled ''Industrial Bank Holding Company Act of 2008''.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during

the session of the Senate in order to conduct a hearing on Wednesday, February, 13, 2008, at 9:45 a.m., In room SD366 of the Dirksen Senate Office Building. At this hearing, the committee will hear testimony regarding the President's fiscal year 2009 budget request for the Department of the Interior.

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

COMMITTEE ON FINANCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, February 13, 2008, at 10 a.m. in room 215 of the Dirksen Senate Office Building, to hear testimony on ''Selling to Seniors: The Need for Accountability and Oversight of Marketing and Sales by Medicare Private Plans, Part Two.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 13, 2008, at 10 a.m. in order to hold a hearing on the President's foreign affairs budget.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 13, 2008, at 2:30 p.m. in order to hold a committee coffee with His Excellency Salam Fayyad, Prime Minister of the Palestinian National Authority.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, February 13, 2008, at 10 a.m. in order to conduct a hearing entitled ''The Defense Department's Homeland Security Role: How the Military Can and Should Contribute.''

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

COMMITTEE ON THE JUDICIARY

Mr. KENNEDY. 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 ''Examining the State Secrets Privilege: Protecting National Security While Preserving Accountability'' on Wednesday, February 13, 2008, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building.

Witness list

Carl Nichols, Deputy Assistant Attorney General, U.S. Department of Justice, Civil Division, Washington, DC; The Honorable Patricia M. Wald, Former Chief Judge, U.S. Court of Appeals for the D.C. Circuit, Washington, DC; Louis Fisher, Specialist in Constitutional Law, Law Library of the Library of Congress, Washington, DC; Robert M. Chesney, Associate Professor, Wake Forest University School of Law, Winston-Salem, NC; and Michael Vatis, Partner, Steptoe & Johnson LLP, New York, NY.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. KENNEDY. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Wednesday, February 13, in order to conduct a hearing on the FY 2009 Budget for Veterans Programs. The Committee will meet in room 418 of the Russell Senate Office Building, at 9:30 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 13, 2008, at 2:30 p.m. in order to hold a closed business meeting.

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

SPECIAL COMMITTEE ON AGING

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Wednesday, February 13, 2008 from 10:30 a.m.–12:30 p.m. in Dirksen 628 for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON CHILDREN AND FAMILIES

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Children and Families, be authorized to meet during the session of the Senate, in order to conduct a hearing on the Family and Medical Leave Act on Wednesday, February 13, 2008. The hearing will commence at 3 p.m. in room 430 of the Dirksen Senate Office Building.

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

PRIVILEGES OF THE FLOOR

Mr. BOND. Madam President, first, I ask unanimous consent that Senator McCAIN's legislative fellow, Navy Commander Scott Butler, be granted floor privileges during the second session of the 110th Congress.

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

AIRPORT AND AIRWAY EXTENSION ACT OF 2008

Mrs. MURRAY. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5270, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5270) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. ROCKEFELLER. Madam President, I rise today to support a short-term extension of the Federal Aviation Administration's contract authority and its collection and expenditure authority through to June 30, 2008. Because of the urgent need to extend the current aviation taxes and related budget provisions, I am supporting this legislation.

But I am becoming convinced that Congress cannot pass S. 1300, the Aviation Investment and Modernization Act, authored by then-Senator Lott and myself. I believe that Congress should pass a long-term extension of the existing aviation taxes in order to give the FAA the funding stability it needs while Congress moves forward with a comprehensive review of how the agency is funded. I cannot support the current funding regime, as it will not provide the agency with the resources it needs to build the Next Generation Air Traffic Control System. In lieu of a long-term extension, I would have preferred an extension until the end of this fiscal year, September 30, 2008, as it would have given the FAA and our Nation's airports a greater degree of reassurance that they will receive the full $3.5 billion in airport funding that Congress approved last year.

The short-term extension before us today is not only crucial to the ongoing functioning of the FAA, it is necessary because without it the agency faces a potential crisis. Without adopting this legislation, the FAA would not be able to pay 4,000 employees after February 29, 2008. And that is an unacceptable action. The last thing the agency needs right now is to endure a potentially debilitating staffing crisis. To preserve these jobs this short-term extension must be passed today.

This country's aviation system is the safest in the world. However, in remaining vigilant to maintain this standard we must ensure the FAA has the resources to continue its efforts in modernizing our air traffic control system and in updating the more antiquated parts of our aviation infrastructure. The passing of this extension today will allow these vital investments to continue.

I look forward to working with my friend and distinguished colleague, Senator KAY BAILEY HUTCHISON, and members of the Senate's Finance and

Commerce Committees in making sure the FAA has the resources and tools it needs to continue making our aviation system the safest in the world. It is crucial we work together to provide the FAA with the certainty it needs in these challenging times for the aviation sector. This will not only benefit the FAA but the industry generally and the many millions of Americans it serves each year.

Mrs. HUTCHISON. Madam President, I rise today to urge my colleagues to vote for a short-term extension of FAA collection, expenditure authority, and Airport Improvement Program, or AIP, contract authority through June 30, 2008.

The previous extension was scheduled to expire on February 29, 2008. Short of congressional action, hundreds of airports across the Nation were at risk of losing an entire construction season and hindering much needed improvements to our aviation system. In addition, the FAA was at risk of not being able to fund this year's planned critical investments in the Next Generation Air Traffic Control System, NEXTGEN. Now, because of our efforts, those improvements can continue as planned.

While I am pleased with our work today, I am disappointed we could not provide more stability in the system by completing a longer term extension through September 30, 2008, which is the end of the fiscal year.

As legislators, it is our responsibility to create stability and predictability in our infrastructure system. We cannot allow our lack of action to disturb the modernization efforts and the flow of funds to our aviation system.

Thankfully, the extension we passed today will provide immediate funding and spending authority as well as a valuable cushion for the Senate to work on the overarching FAA reauthorization bill.

I am looking forward to working with my friend and distinguished colleague Senator JAY ROCKEFELLER to complete a multi-year FAA reauthorization bill. We have several challenges ahead of us, and we will attempt to come together in a bipartisan way to meet those challenges. The extension we passed today is just the first step in what will be a very important year for aviation policy.

Mrs. MURRAY. Madam President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 5270) was ordered to a third reading, was read the third time, and passed.

COMMEMORATING THE 250TH ANNIVERSARY OF THE NAMING OF PITTSBURGH

Mrs. MURRAY. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 452, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 452) commemorating the 250th anniversary of the Naming of Pittsburgh as the culmination of the Forbes Campaign across Pennsylvania and the significance this event played in the making of America, in the settlement of the continent, and in spreading the ideals of freedom and democracy throughout the world.

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

Mrs. MURRAY. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 452) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 452

Whereas the Forks of the Ohio at today's Pittsburgh should forever be remembered as the place where an army of British and Colonial soldiers took control of Fort Duquesne from the French, a turning point in the French and Indian War, the first world war;

Whereas the British victory in the French and Indian War sowed the seeds of Colonial discontent with British rule, beginning the chain of events that led to the American Revolution;

Whereas the British Army under the leadership of General John Forbes built the first road across the Allegheny Mountains, thus securing the Gateway to the West for British and later American settlement;

Whereas General Forbes and Colonel George Washington named the location Pittsburgh, in honor of William Pitt the Elder;

Whereas Fort Pitt provided a safe haven for peoples from around the world to follow in Forbes' and Washington's footsteps to travel to Pittsburgh to settle the continent and to pioneer advancements in industry, science, technology, education, the environment, and the arts;

Whereas Pittsburgh went on to become the Crucible of the Industrial Revolution, producing glass, steel, and aluminum that have a place in every skyline in the United States, and perfecting the technologies that made it possible for alternating current to illuminate the Nation;

Whereas the people of the Pittsburgh region pioneered modern philanthropy, implemented the first smoke control regulation, developed the polio vaccine, and conquered rejection of transplanted organs, improving countless lives worldwide;

Whereas Pittsburgh is today a global leader in such emerging fields as materials science, regenerative medicine, nanotechnology, electro-optics, robotics, data storage, computer science, and commercial nuclear power;

Whereas Pittsburgh is home to more than 100 multi-billion dollar global corporations that improve the lives of people around the world;

Whereas Pittsburgh provides a high quality of life to its residents, offering unparalleled arts and cultural opportunities for a city of its size;

Whereas, in 2007 and in 1985, Pittsburgh was named America's Most Livable City, the only city in the United States to earn that honor twice;

Whereas Pittsburgh is commemorating its naming and its impact on the world with Pittsburgh 250, a year-long celebration involving communities in 14 Pennsylvania counties, parts of 7 States, and the District of Columbia;

Whereas Pittsburgh 250 has connected Washington, DC to Pittsburgh by supporting the completion of the Great Allegheny Passage Trail, the longest hiking and biking trail east of the Mississippi and the most accessible great trail experience in the world, providing an important new outdoor recreational asset to the people of the Mid-Atlantic United States; and

Whereas Pittsburgh has accomplished all of these things with an unparalleled history of public and private partnership: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 250th anniversary of the Naming of Pittsburgh, known as a significant event in United States history;

(2) recognizes that Pittsburgh 250 is organizing the commemoration on behalf of 14 counties in southwestern Pennsylvania;

(3) encourages participation for all Americans to learn how the Forbes Campaign, the opening of the Gateway to the West, the industrialization of America, and the environmental transformation of Pittsburgh helped to make America; and

(4) commends the contributions of those who have followed trails to Pittsburgh for 250 years to shape the world we live in and the Nation we have become.

RECOGNIZING THE 100TH ANNIVERSARY OF ABRAHAM BALDWIN AGRICULTURAL COLLEGE

Mrs. MURRAY. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 453, which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 453) recognizing February 20, 2008, as the 100th anniversary of Abraham Baldwin Agricultural College.

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

Mrs. MURRAY. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 453) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 453

Whereas the Second District Agricultural and Mechanical School opened its doors for classes on February 20, 1908, with 3 instructors and 27 students;

Whereas the school became a senior college for men, the first in south Georgia, in 1929;

Whereas the school changed its name in 1933 to Abraham Baldwin Agricultural College in honor of a Georgia signer of the Constitution of the United States and the first president of the University of Georgia;

Whereas the college recorded its all-time highest enrollment during the 2007 fall semester with 3,665 students from 154 Georgia counties, 12 other States, and 9 countries;

Whereas the college has expanded its curriculum to include 57 programs of study;

Whereas the college bears strong witness to its roots, with the Division of Agriculture and Forest Resources remaining the largest division of study on the 421 acre campus with over 800 students;

Whereas Washington Monthly Magazine named the college as one of the 10 best community colleges in America in 2007;

Whereas Turfnet Magazine selected the college's 2-year turfgrass program as the 7th best program of its kind in the United States and Canada in 2007;

Whereas the college celebrates among its alumni the Honorable George T. Smith, the only man in the history of Georgia to serve in elected positions in all 3 branches of State government, having served as Lieutenant Governor, Speaker of the House of Representatives, and as a justice on the Supreme Court of Georgia; and

Whereas February 20, 2008, marks the 100th anniversary of Abraham Baldwin Agricultural College: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 100th anniversary of Abraham Baldwin Agricultural College for its great contributions to the community and to higher education in Georgia; and

(2) recognizes the achievements of the administration, faculty, students, and staff of Abraham Baldwin Agricultural College.

MEASURES READ THE FIRST TIME—S. 2633 AND S. 2634

Mrs. MURRAY. Madam President, I understand there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title for the first time.

The legislative clerk read as follows:

A bill (S. 2633) to provide for the safe redeployment of United States troops from Iraq.

A bill (S. 2634) to require a report setting forth the global strategy of the United States to combat and defeat al Qaeda and its affiliates.

Mrs. MURRAY. I now ask for a second reading en bloc, and I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read for the second time on the next legislative day.

SENATE REPORT 110–259

Mrs. MURRAY. Madam President, I ask unanimous consent that an errata be printed with respect to Senate Report 110–259, which I now send to the desk.

There being no objection, the correction is as follows:

On page 74, the heading was incorrectly printed. The name of Senator SPECTER should be stricken from the heading listing senators with ''Minority Views''.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to section 5 of title I of Division H of Public Law 110–161, appoints the following Senator as chairman of the U.S.-Japan Interparliamentary Group conference for the 110th Congress: the Honorable TED STEVENS of Alaska.

Mrs. MURRAY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MEASURE READ THE FIRST TIME—S. 2636

Mrs. MURRAY. Madam President, I understand S. 2636 introduced today by Senator REID is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2636) to provide needed housing reform.

Mrs. MURRAY. I now ask for a second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard. The bill will be read the second time on the next legislative day.

ORDERS FOR THURSDAY, FEBRUARY 14, 2008

Mrs. MURRAY. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Thursday, February 14; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. 1200, the Indian Health Care Improvement Act.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mrs. MURRAY. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:01 p.m., adjourned until Thursday, February 14, 2008, at 9:30 a.m.

EXTENSIONS OF REMARKS

HONORING THE LIFE OF ARMOND J. MAGNARELLI

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. WALSH of New York. Madam Speaker, I rise today to honor the life of a consummate gentleman and a terrific ambassador for the central New York community, the Honorable Armond J. Magnarelli, who passed away last weekend.

A teacher by trade at Lyncourt School, Armond entered elected office as a member of the Syracuse City School District Board of Education, eventually rising to become its president. Armand later ran for and won a seat on the Syracuse City Council and was elected council president, serving until 1985. His public service career also included service in the U.S. Coast Guard during World War II.

Mr. Magnarelli worked as a marketing executive at KeyBank and later as regional director of the State parks and recreation. He was a member of the New York State Council of the Arts, New York State Draft Board, board of directors of P.E.A.C.E., Inc., and board of directors of the Syracuse Chiefs baseball team.

He was inducted into the Greater Syracuse Sports Hall of Fame and the Oswego State Athletic Hall of Fame at his alma mater. In 1950 and 1951, he coached the boys of St. Lucy's to back-to-back parochial league basketball championships.

Regardless of his position and his workload, Armand's heart never ventured far from his native northside of Syracuse. He was a member of the Our Lady of Pompei Holy Name Society for 50 years, served on its parish council, and was active in the fundraising and building of the new parish school in 1966.

Armond was a member of the Italian American Athletic Club and was well-known for his longtime work in local theater and the arts, including the famed Pompeian Players, Salt City for the Performing Arts, and Theater 90. When new development threatened the future of the Landmark Theatre in downtown Syracuse, it was Armond who stepped in to save the treasured facility.

Though retired, Armond kept busy through many civic activities, and up until recently, central New Yorkers could still visit with Armond every Sunday morning as he hosted the popular "Italian Hour" on WFBL radio.

Armond Magnarelli was a prince of a man who dedicated himself to his family, his community, and his passion for living. He will be dearly missed by all who knew him.

TRIBUTE TO VINCENT R. FARIAS

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. SAXTON. Madam Speaker, I rise today in recognition of Vincent Farias. On February 21, 2008 Mr. Farias will be celebrated for his contributions to Burlington County at the Burlington County Republican Committee and Burlington County Republican Women's Annual Lincoln Day Dinner.

Perhaps one of the most gregarious and enthusiastic Edgewater Park residents, Vince Farias was always a proponent of action leading to results. A veteran schoolteacher, banker, and small business owner, Vincent served 6 years on the Edgewater Park Township Committee and as mayor in 1987 and 1991.

After first filling a vacant freeholder seat in 1991, Vince went on to serve 5 terms as a member of the Burlington County Board of Chosen Freeholders. During that time, Vince was an advocate for the county's open space preservation work and redevelopment plans. One of his most notable projects included the creation and implementation of the NJ Transit Riverline Light Rail system, which made its debut in 2004. Since then, it has had a positive ripple effect on surrounding businesses and residential communities along the Delaware River.

Vince was also instrumental in creating the county's Veterans Military Service Medal. Through this project, several military assistance programs have been developed to help aid our area veterans.

In addition, Vince worked with the South Jersey Freeholder's Association and the New Jersey Association of Counties, where he served as president in 2002. Vince has also worked with the American Red Cross and the March of Dimes.

Madam Speaker, I would like to extend my sincere gratitude for his leadership, commitment, and service to the public.

HONORING THE COCKE COUNTY NAVAL JUNIOR RESERVE OFFICERS' TRAINING CORPS

HON. DAVID DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. DAVID DAVIS of Tennessee. Madam Speaker, I rise today to congratulate the Cocke County Naval Junior Reserve Officers' Training Corps (NJROTC) program for their achievements this past year. In 2007, the Cocke County NJROTC program was ranked number one in the State of Tennessee and number six in the United States in competitions including academics, athletics, and military drill.

In addition to achieving such great accolades in competitions, the Cocke County NJROTC planned, coordinated, and completed 2,153 community service hours in the Cocke County, Hamblen County and Knox County areas during the 2006–2007 school year.

The Cocke County NJROTC is a citizen leadership program designed to develop informed and responsible young men and women who embody honor, self-reliance, self-discipline, and respect to authority in a democratic society.

This achievement is a true honor to all the young men and women involved in the Cocke County NJROTC program. The rankings, each respectively, show the dedication and commitment to service and our Nation.

It is exciting for me to see the young men and women of Cocke County NJROTC establishing such high standards at a young age and it bestows great promise for the State of Tennessee and our Nation alike.

Madam Speaker, I ask that the House join me this evening in honoring the Cocke County NJROTC program for their commitment to excellence, dedication, and promise as future leaders of America.

IN REMEMBRANCE OF ROCCO S. OLIVERIO, JR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. KUCINICH. Madam Speaker, I rise today in remembrance and honor of Rocco S. Oliverio, Jr. He was a beloved member of his west Cleveland neighborhood, and was known for his dedication to the community. He served Ward 14 as a representative to the Cuyahoga County Central Committee with honor and distinction, and touched those around him with his unique sense of humor.

Rocco was never afraid to get involved and confront the challenges of his home neighborhood. He maintained his faith in the innate goodness of people and the ability of community and public services to overcome challenges. He invested a large part of himself in everything he did and was always genuinely interested in helping; even better, he often had a solution.

Rocco is fondly remembered by his daughters, Shellie Gay and Sheila Hall-Blagg, and his eight grandchildren.

Madam Speaker and colleagues, please join me in honoring the memory of Rocco S. Oliverio, Jr., a man whose tireless work towards improving his hometown of Cleveland will set an example for generations to come.

CONGRATULATING THE NATIONAL FOOTBALL LEAGUE CHAMPION NEW YORK GIANTS FOR WINNING SUPER VOWL XLII

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mr. RANGEL. Mr. Speaker, I rise today to throw the full weight of my endorsement behind a resolution of substantial import and consequence: that New York's championship

football team be congratulated and honored for its come-from-behind Super Bowl win last week, one that left the sports world simultaneously stunned and elated.

The competition was formidable and the challenge facing the Giants daunting. Experts did not give the Giants much chance of prevailing and the odds-makers in Las Vegas made them 12-point underdogs. The New England Patriots represented a veteran squad of impressive offensive muscle, strolling onto the field with a historic perfect season and an expected fourth championship within its grasp. But the New York Giants proved resilient. Eli Manning led the way, charging down the field with a 12-play, 83-yard drive that capitalized on the great skill of David Tyree, Brandon Jacobs, Steve Smith, and Plaxico Burress.

This upset was no ordinary win. Facing a team dead set on making history, the G-men blazed a trail of their own, becoming the first NFC wild card team to win a Super Bowl. Theirs is a story of unparalleled heart and inspiration, of surpassing expectations and securing triumph in the face of all odds. Theirs is an American story, and they have accordingly ascended from being New York's team to being America's team.

Join me in spirited congratulations and well wishes for America's team, the New York Giants, in their 17–14 championship win.

SANTA MARGARITA RIVER, CALIFORNIA, CONSTRUCTION AUTHORIZATION

SPEECH OF

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mr. ISSA. Mr. Speaker, I rise today to speak on behalf of my bill H.R. 29. the Santa Margarita Conjunctive Use Project. I would like to thank Chairmen NICK RAHALL and IKE SKELTON for quickly moving this bill through their respective committees. This is now the third Congress in which this bill has passed the house, and I hope the Senate will act just as quickly.

The Santa Margarita Conjunctive Use Project is very important to U.S. Marine Corps Base Camp Pendleton and the city of Fallbrook. In 1966 the U.S. District Court for the Southern District of California entered a stipulated judgment in U.S. v. Fallbrook P.U.D. directing the Department of the Interior to provide a ''physical solution'' to the 60/40 allocation of the Santa Margarita River. Since then, previous legislative efforts to authorize a project carrying out the Federal judge's mandate have not been successful despite past support of Members of the California Congressional delegation. Finally, through a long process of negotiation between the Marine Corps and the city, this conjunctive use project was agreed upon. This design was deemed to fully implement the court's directive at far less than half the cost of previous proposals with no environmental degradation.

Furthermore, passage of this authorization for the conjunctive use project is essential to giving Camp Pendleton access to the San Diego Aqueduct. Since its completion, the aqueduct has provided ample access to Southern California's regional water supply system for nearly all of San Diego County, except for Camp Pendleton. A key benefit of H.R. 29 will be the construction of a water system physically connecting Camp Pendleton to the San Diego Aqueduct, thereby making it possible to use imported water as needed, including emergency mobilization in time of conflict.

The conference report for the Fiscal Year 2003 Omnibus Appropriations Act directed the Bureau of Reclamation, under the Santa Margarita River feasibility authorization, to ''. . . perform the studies needed to address current and future municipal, domestic, military, environmental, and other water uses from the Santa Margarita River.'' Funding for Reclamation's feasibility study of the Santa Margarita Conjunctive Use Project has been provided in each subsequent fiscal year up to the present, and its work is more than 90 percent complete. When signed into law, this project will be funded by the Department of Navy and Department of the Interior. This project is essential to ensure that Camp Pendleton has a larger water supply to meet the current and future needs of the base.

This project has been vetted by multiple committees over a number of years and found to be of the utmost importance to the Marines at Camp Pendleton, while also benefiting the city of Fallbrook. It will provide for enhanced recharge and recovery from the underground basin on Camp Pendleton to provide a constant water supply for the base, along with a safe, reliable, drought-and earthquake-proof water supply for more than 35,000 families.

Again, I thank my colleagues for working with me and my constituents to move H.R. 29 through the legislative process.

INTRODUCTION OF THE MARINE MAMMAL COOPERATIVE AGREEMENTS IN ALASKA AMENDMENTS ACT OF 2008

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. YOUNG of Alaska. Madam Speaker, I am pleased to introduce today the Marine Mammal Cooperative Agreements in Alaska Amendments of 2008.

The 1994 amendments to the Marine Mammal Protection Act created section 119 of the Act, titled ''Marine Mammal Cooperative Agreements in Alaska,'' which allows the Secretaries of Commerce and the Interior to enter into cooperative agreements with Alaska Native organizations. These cooperative agreements have been very successful in creating statewide and regional Alaska Native Marine Mammal Commissions protecting species such as the polar bear, walrus, sea otters, beluga whale, harbor and ice seals, and Steller sea lions. The cooperative agreements have provided grants to Alaska Native Marine Mammal Commissions to conduct important marine mammal data collection efforts, marine mammal research, and monitor subsistence activities.

Alaska Natives have been excellent stewards of Alaska's natural resources for centuries. The Alaska Native Marine Mammal Commissions have continued this tradition by working cooperatively with the Fish and Wildlife Service and the National Marine Fisheries Service to successfully manage the species under their respective jurisdictions. In order to further this success, the Commissions have advocated for management of subsistence activities. Section 119 of the MMPA does not currently allow for management of subsistence activities prior to a depletion finding under the Act.

In 2000, the Clinton Administration sent Congress a draft bill to reauthorize the MMPA and included in it authorities for the Alaska Marine Mammal Commissions to manage and enforce subsistence activities. The Bush Administration followed suit including similar language in its own draft bill to reauthorize the MMPA.

I have not taken the exact approach of the Clinton and Bush proposals, however, I do believe this legislation will achieve the same result. I have worked with the administration, the Alaska Native Marine Mammal Commissions, and State of Alaska representatives to develop a bill that allows for management prior to a depletion finding under the MMPA.

The Whaling Convention Act of 1949, which governs the Bowhead whale subsistence activities, and the more recently passed legislation implementing the U.S.-Russia Polar Bear Treaty, governing the subsistence take of polar bears, are two excellent examples of legislation Congress passed to authorize marine mammal management activities.

This legislation will further refine the cooperative management process under the MMPA to ensure that Alaska Natives and the Federal agencies with marine mammal management authority have the tools they need to continue their successful management efforts.

I urge my colleagues to support this important conservation legislation.

HONORING THE LIFE OF MONSIGNOR JOSEPH CHAMPLIN

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. WALSH of New York. Madam Speaker, I rise today to honor the life of one of Syracuse's most beloved priests. Monsignor Joseph Champlin, who passed away on January 17 at the age of 77.

Throughout his life Father Joe was dedicated not only to the priesthood and his faith, but also to the people and communities he served.

Ordained in 1956, Father Joe served for 50 years in the Syracuse Diocese. He served as pastor in three parishes, including as rector of the Cathedral of the Immaculate Conception from 1995 until his retirement in 2005. Even in retirement, Msgr. Champlin was active in the church and the community. In 2006 he became priest in residence at Our Lady of Good Counsel Church in Warners, New York.

Father Joe was known worldwide for being a prolific writer. He wrote more than 62 books and pamphlets on liturgy, pastoral theology, love, and marriage. In fact, Father Champlin's ''Together for Life'' continues to lead Catholic couples across the country and around the world through preparation for marriage.

In addition to his success as a writer, Msgr. Champlin remained committed to the people of the greater Syracuse area throughout his

life. In 1997 he founded the Guardian Angel Society, which provides tuition assistance, technological updates, and other improvements to the former Cathedral School in Syracuse. He raised more than $2 million for the program, and for that effort he was awarded the President's Volunteer Service Award by President George W. Bush in 2005. He also received the Post-Standard Achievement Award in 2005 and the Temple Adath Yeshurun Citizen of the year award this past October.

Msgr. Champlin's commitment to the Catholic Church and the people that he served is unquestionable. He was a beloved priest and friend, and will be sorely missed.

TRIBUTE TO MARTHA W. BARK

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. SAXTON. Madam Speaker, I rise today in recognition of Martha Bark. On February 21, 2008, Mrs. Bark will be celebrated for her contributions to southern New Jersey at the Burlington County Republican Committee and Burlington County Republican Women's Annual Lincoln Day Dinner.

Martha Bark has dedicated a lifetime of service to our communities. A resident of Medford for over 40 years, Martha served on the township school board for 10 years and the township committee for 7 years. She was also appointed mayor and served two full terms.

Furthering her interest in serving the broad community, Martha was elected to the Burlington County Board of Chosen Freeholders in 1984. Given her background in education and community preservation, she became the chairperson of the Water Quality Management Board and worked on several additional committees aimed at increasing open space. Martha served four consecutive terms and was appointed freeholder director for 2 years.

After her tenure as a freeholder, Martha went on to become a member of the New Jersey State Assembly for 2 years and finally, a member of the New Jersey State Senate in 1997. As a senator, she served on the Transportation and Economic Growth, Tourism, and Agricultural Committee, where she was elected chairperson. As a former business owner, it was natural for Martha to become a member of the Senate Community & Urban Affairs Committee and also a member of the Senate Budget Committee.

Outside public office, Martha has volunteered her time to various organizations. She was a member of the Burlington County Farmland Preservation Advisory Board and the Burlington County Open Space Advisory Board. Martha also sat on the Burlington County Family Services Board and was a member of the HB Industrial Village Conservancy Board of Trustees.

Madam Speaker, I would like to extend my sincere gratitude for her leadership, commitment, and service to the public.

HONORING OF ONE ACCORD MINISTRY AND ALL FIRST DISTRICT VOLUNTEERS

HON. DAVID DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. DAVID DAVIS of Tennessee. Madam Speaker, I rise today to honor the efforts of the volunteers of Tennessee and the First District. Of One Accord Ministry is a charity that is celebrating its 20th anniversary this year. Tennessee has been called the ''Volunteer'' state by the great efforts of our citizens during The War of 1812. Since The War of 1812 the people of Tennessee continue to show pride, dedication and service through volunteer efforts. People from around the nation are moving into my district to enjoy the wonderful quality of life found in it's beauty and the spirit of its people. Our first volunteers were heroes serving in The War of 1812 and our citizens today are heroes sacrificing their time and effort to volunteer in an assortment of ways.

Of One Accord Ministry serves two rural and lowly populated counties in my district and continually utilizes the efforts of nearly 500 people during 2007. These 500 volunteers have sacrificed over 51,533 hours of service and have served over 71,695 people in various ways. The ministry serves from four physical sites offering emergency food distribution, meal delivery for seniors five days a week, participating in our states summer feeding program, offering a free medical clinic, doing home repairs, organizing the county's Christmas programs and others.

Of One Accord does not work alone. They work hand-in-hand with schools, clubs, scouts, and Postal workers to help complete their mission. Similarly, partnerships with businesses, hospitals and laboratories provide other services for the clinic. The help does not stop there; many others supply resources and help in any way possible.

We tend to overlook the millions of volunteers across the nation giving their time and efforts. Madam Speaker, I rise today to applaud the volunteers from Of One Accord Ministry who have served for twenty years and all of the volunteers in Tennessee's First District alike.

IN REMEMBRANCE OF DOLORES ''DEE'' BENSON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. KUCINICH. Madam Speaker, I rise today in remembrance and honor of Dolores ''Dee'' Benson, a beloved figure in Cleveland area politics and a loving wife, mother, and grandmother.

Dee was born in 1925 in Altoona, Pennsylvania, where she spent most of her early life. She was an exceptional student at Altoona High School, and had a special gift for foreign languages and science. She was offered a full tuition scholarship to Penn State University, but chose to go to work instead. She married Bud in 1947 and they moved to Cleveland to raise their seven children, Robert, Patrick, Jacqueline, Mary, Elizabeth, Denise, and Christine. She will also be dearly missed by her eleven grandchildren and six great grandchildren.

Dee was incredibly active in her Cleveland neighborhood, serving as President of the Southwest Military Moms; President, Treasurer, and Secretary of Parma Women's Democratic Club; Precinct Committeewoman and Democratic Ward Leader for the community of Seven Hills; and a founding member of St. Anthony of Padua Parish; just to name a few of her many accomplishments and activities.

Madam Speaker and colleagues, please join me in honoring the memory of Dee Benson, a much-loved activist whose contributions to her community will continue to uphold her legacy.

COMMEMORATING THE COURAGE OF THE HAITIAN SOLDIERS THAT FOUGHT FOR AMERICAN INDEPENDENCE IN THE ''SIEGE OF SAVANNAH''

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mr. RANGEL. Mr. Speaker, I rise today in appreciation of the significant Haitian contribution to the American fight for independence. A pioneering band of 500 Haitians volunteered at the inception of this Nation's great story, laying life and limb on the line for the cause of liberty. That effort left an indelible mark on history, drawing the largest unit of soldiers of African descent to fight in the 'Siege of Savannah.'

It is the highest expression of selflessness and generosity to brush aside geopolitical divisions and serve nobly in support of another nation. We salute these valiant men—over 300 of which were killed on our soil—for helping secure and establish our great democracy, for answering the call in defense of neighbors, in defense of friends.

That island nation has, over the years, proven its commitment to courage—leading a successful battle for independence of its own and repudiating early the pernicious institution of slavery, Hundreds of years later, we have not forgotten.

EXPRESSING THE CONDOLENCES OF THE HOUSE OF REPRESENTATIVES ON THE DEATH OF THE HONORABLE TOM LANTOS, A REPRESENTATIVE OF THE STATE OF CALIFORNIA

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mr. HOLT. Madam Speaker, today, I rise to honor the life and legacy of TOM LANTOS. The passing of Chairman LANTOS is a great loss to the Congress, our Nation, and to oppressed people worldwide.

Born in Budapest, Congressman LANTOS was 16 in 1944 when Nazis captured and occupied the city. He twice escaped Nazi labor

camps and was one of the thousands of Jews saved from the Holocaust by the humanity of the Swedish diplomat Raoul Wallenberg. Yet most of his family members did not survive the Holocaust.

At the end of the Second World War, Representative LANTOS came to the United States with his childhood sweetheart, and soon-to-be wife, Annette Tillemann. Over the past 58 years, LANTOS and Tillemann were rarely far apart and worked tirelessly together to champion human rights around the globe. Today, my thoughts and prayers are with her and the Lantos children.

When LANTOS came to Congress in 1980, the first major piece of legislation he introduced was to award honorary American citizenship to Raoul Wallenberg, whom he called ''the central figure in my life.'' Wallenberg was a central figure in the lives of many European Jews.

A few years later TOM founded the Human Rights Caucus. As co-chairman of the caucus, LANTOS was the leading critic of abusive and despotic regimes abroad. He was unafraid to confront the Chinese Government for its human rights record and he was undeterred in his efforts to end the ongoing genocide in Darfur. Most recently he helped move through Congress tough sanctions on the Burmese junta to help restore that country's democracy.

As chairman of the House Committee on Foreign Affairs for the past year, Congressman LANTOS continued to be a moral leader on human rights and an advocate for those who had none.

TOM LANTOS was a friend to me and to all people who believed in the basic rights of all people. I am honored to have served with him and I will do my best to work for continued fulfillment of his ideals.

IN MEMORY OF CHERIE LOVE

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. GALLEGLY. Madam Speaker, I rise in memory of my longtime friend, Cherie Willard Love. She passed away a couple of weeks ago but she will always be remembered by those she touched.

And she touched many.

Cherie was a Ventura County, California, native, having been born in Oxnard 76 years ago. After earning a bachelor's degree from Whittier College and a master's from La Verne College. Cherie embarked on a career as a kindergarten teacher. For the first twelve years, she taught in Oceano and San Luis Obispo, but then returned to her roots and taught in the Ventura Unified School District for the next 26 years.

Teaching was not a job to Cherie; it was her passion.

That passion for her students and profession earned her recognition in October 1986 as the top teacher of the month by the Greater Ventura Chamber of Commerce's Youth and Education Committee. Outside the classroom, Cherie was an active member of the Philanthropic Education Organization, Alpha Delta Kappa, Delta Kappa Gamma, and the California Retired Teacher's Association.

Cherie also served as president of the Ventura Retired Teachers Association Scholarship Foundation, which provides scholarships to local college students studying for a career in education. As a final act toward her beloved profession. Cherie directed friends and relatives to donate to the fund in her memory.

Cherie outlived two husbands. Don Crinklaw and Don Love, and a son, Bruce Crinklaw, but is survived by a host of other family, including her twin sister, Charlene Blalock-Carlson, and three other sisters, Carrie Perkins, Cyndie Huntsberger, and Sandy Elkhardt; daughters, Sharlee Villa and Carla Dennis; cousin, George Cady; and numerous grandchildren and great-grandchildren.

Madam Speaker, I know my colleagues will join me in remembering Cherie Love's lifelong passion for education and her love of family and community and in offering our condolences to her family and friends.

IN RECOGNITION OF THE 75TH ANNIVERSARY OF COLEMAN'S AUTHENTIC IRISH PUB

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. WALSH of New York. Madam Speaker, I rise today to recognize the 75th anniversary of Coleman's Authentic Irish Pub in Syracuse, New York.

Founded in 1933, Coleman's, located on Tipperary Hill, is a fixture of the Central New York community. Throughout its long history. Coleman's has transformed from a working man's saloon in the 1930's to a college hot spot in the 1970's to the first class restaurant and pub it is today. With its great food, wonderful service, and Irish atmosphere. Coleman's Authentic Irish Pub is a place for all generations to enjoy and is a premiere attraction in central New York.

Coleman's has always strived to maintain the highest standards of public service, and I am proud to recognize them today. I congratulate owner Peter J. Coleman, his wife Mary Pat and children, and his employees, both past and present, on reaching this milestone. On behalf of the people of the 25th District of New York, I thank them for their 75 years of business that has been such a positive influence on the community.

TRIBUTE TO LARRY CHATZIDAKIS

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. SAXTON. Madam Speaker, I rise today in recognition of Larry Chatzidakis. On February 21, 2008, Mr. Chatzidakis will be celebrated for his contributions to Burlington County at the Burlington County Republican Committee and Burlington County Republican Women's Annual Lincoln Day Dinner.

Since 1985, Larry Chatzidakis has represented the best interests of Burlington County residents. He was first elected to the Mount Laurel Township Council and remained until 2000. Proving a valuable asset to the community, Larry was re-elected mayor four times and spearheaded numerous projects during his tenure. Residents may remember him most for his role in the construction of Laurel Acres Park. It has become a natural choice for Mount Laurel residents looking for recreation, with its many exercise trails, playground equipment, and sledding hill. Most recently, a veteran's memorial was added to the site to honor those who have served in our Armed Forces. In addition to his mayoral duties, Larry was elected to the Burlington County Board of Chosen Freeholders in 1995.

From 1997–2008, Larry represented the 8th District as a member of the New Jersey State Assembly. He continued to offer his talents in the Assembly as a member of the Agriculture & Natural Resources Committee, the Judiciary Committee, and as vice-chair of the Solid and Hazardous Waste Committee. As a conscientious elected public official, Larry took the concerns of his constituents to heart as he became a member of the Commission to Deter Criminal Activity and a member of the Military and Veterans' Affairs Committee.

No stranger to the community at large, Larry served on the board of the Burlington County Red Cross and was also chairman of the Burlington County Boy Scouts Mahalala District. He is also a member of the Mount Laurel Rotary Club for 17 years and served one term as president.

Madam Speaker and colleagues, it gives me great honor to recognize Larry Chatzidakis for his tremendous efforts and devotion to his community. I and the people of New Jersey are greatly appreciative of him and sincerely thank him for all of his dedication.

IN HONOR OF THE VIETNAMESE NEW YEAR: TET, 2008—YEAR OF THE RAT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. KUCINICH. Madam Speaker, 2008, is the Year of the Rat. As the Vietnamese community in Greater Cleveland gathers at St. Helena Catholic Church to enjoy their Vietnamese culture, I join them in celebration of this rich heritage.

The Tet is the time of the year for our Vietnamese neighbors to honor those that have gone before us and enjoy the company of family and friends. This year's celebration will honor community leaders, and serve as a demonstration of Vietnamese music and dance.

2008 also marks thirty-three years of service to the community by the Vietnamese Community in Greater Cleveland, Inc. The Vietnamese Community, Inc. has been an invaluable resource for hundreds of Clevelanders, linking them to needed services and serving to maintain the rich heritage of the Vietnamese people.

I would also like to take this opportunity to recognize Le Nguyen, President of the Vietnamese Community in Greater Cleveland, Inc., and all their members, for their commitment to Vietnamese-Americans of Northeast Ohio.

Madam Speaker and colleagues, please join me in celebration of the Vietnamese New Year, Tet 2008: Year of the Rat. May the Vietnamese community of Cleveland, and throughout the nation, carry on their proud heritage throughout the year.

EXPRESSING THE CONDOLENCES OF THE HOUSE OF REPRESENTATIVES ON THE DEATH OF THE HONORABLE TOM LANTOS, A REPRESENTATIVE OF THE STATE OF CALIFORNIA

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mr. RANGEL. Madam Speaker, I rise today in mourning of a most distinguished colleague, a champion for America, a lifelong survivor, and a kind friend, Representative TOM LANTOS.

He stood at the near-perilous brink of history. Born to Jewish parents in Budapest, Hungary, he joined the Hungarian underground—at not yet 17—after the Nazi occupation and twice escaped from forced labor camp. He was beaten. His mother, much of his family, and the family of his high school sweetheart-turned-wife were killed.

He transformed tragedy into triumph. After earning an American education and raising a family, he became the only Holocaust survivor elected to the U.S. Congress in 1980. Three years later, he had founded the Congressional Human Rights Caucus. And last year, he became the chair of the House Foreign Affairs Committee.

He was a man of steadfast principle. He was one of five members of Congress—at not yet 80—arrested in a protest outside the Sudanese Embassy, in opposition to the genocide in Darfur. He trumpeted the causes of civil liberties and human rights with a consistent, measured voice, having survived such great evil and wanting to spare the world that suffering.

His soul, his convictions, his grit and determination—as genuine at age 17 as 80—remained uncompromising, unimpeachable.

HONORING BRIGADIER GENERAL EDWARD E. MUNGER

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. NUNES. Madam Speaker, I would like to pay tribute to the distinguished life of BG Edward E. Munger of Fresno, CA, who lost his brave battle with cancer on February 11 at the age of 68.

General Munger lived an extraordinary life of service to his country, community and family. He served more than 3 decades in the California National Guard, and served in Washington, DC under Presidents Nixon, Carter and Reagan. General Munger retired on October 30, 1990 after completing 33 years of service to our country.

General Munger's love for his country was also evident in the service he gave to his local community. He served as a Fresno County Reserve Deputy Sheriff for several years on the Power Board Squadron; was a member and at his death the president of I.R.O. Soararsis, a support organization for Kings Canyon National Park; was on the Board of Trustees of Children's Hospital Central California; on the Rotary Club of Fresno Board of Directors; on the Fresno County Planning Commission; and on the Fresno County grand jury. Even being diagnosed with cancer could not prevent him from public service, as he continued to serve the community as chairman of California's 21st Congressional District Military Academy nomination committee.

General Munger inspired all of those he knew, including myself. He was a man full of character and integrity who treated all human beings with dignity and generosity. Munger helped thousands of young people achieve goals that otherwise might not have been possible. From simple guidance to providing a stable home environment or providing free rent to a student in his apartment building, he asked only that they "pay it forward" by helping others when they are in a position to do so.

General Munger is survived by his wife, the former Tamsen Nichols, whom he married 37 years ago, and their adult children, Edward Earl and Eleanor Elizabeth of the San Francisco Bay area.

PERSONAL EXPLANATION

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. GENE GREEN of Texas. Madam Speaker, on rollcall Nos. 43, 44, and 45, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately last night, February 12, 2008, I was unable to cast my vote on Suspending the Rules and passing H. Res. 954 and wish the record to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 43 on passing H. Res. 954, Honoring the life of senior Border Patrol agent Luis A. Aguilar, who lost his life in the line of duty near Yuma, Arizona, on January 19, 2008, I would have voted "aye."

BLACK HISTORY MONTH–

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. VISCLOSKY. Madam Speaker, it is with a great sense of honor that I rise to celebrate Black History Month and its 2008 theme—Carter G. Woodson and the Origins of Multiculturalism. Dr. Woodson's life and words remind us, as Americans, that in order to continue to move forward, we must take the time to reflect on the past.

The theme for this year's Black History Month, Carter G. Woodson and the Origins of Multiculturalism, is a reminder that in striving for a greater society, we must examine the past. A brilliant author, publisher, and historian, Dr. Woodson understood that history was much more than facts on a page, but rather a detailed account and interpretation of the struggles and achievements of society as a whole. It was this belief that motivated Dr. Woodson to author many books and publish many articles on the outstanding contributions of so many proud and courageous African Americans.

Dr. Woodson's belief in the importance of historical study played a critical role in preserving the rich history of African Americans throughout the United States. His efforts led to the foundation of Negro History Week, which would later become Black History Month. His writings and teachings encourage not only African Americans, but all Americans, to reflect on, become educated about, and treasure these outstanding efforts. Dr. Woodson has also been seen by many other historians as a true inspiration. In the First Congressional District, I am proud to represent organizations such as the Interfaith Federation of Northwest Indiana, under the leadership of Executive Director Patricia Jackson, and the Gary Frontiers Service Club, under the leadership of President Oliver J. Gilliam, which have carried on such important ideals, reiterating the need for merging cultural beliefs and tradition and coming together to reflect on the past in seeking to improve the future.

It is the efforts of organizations like the Interfaith Federation and the Gary Frontiers Service Club that allow us to reflect on what makes the United States of America so special. Nowhere else in the world do you find such an integrated society. While the United States is made up of people from so many different cultural, religious, social, and ideological backgrounds, it is our freedom and our ability to share our backgrounds with each other that is the true testament to the American way of life.

Madam Speaker, I ask that you and my distinguished colleagues join me in honoring Dr. Carter G. Woodson, the Interfaith Federation, the Gary Frontiers Service Club and the many organizations throughout the United States that continue to preserve the African American heritage for all Americans. Through their words and teachings, these honorable individuals and organizations remind us all of the struggles and accomplishments that African Americans have made to lead us to where we are as a Nation today, while reminding us that there is still progress to be made.

RECOGNIZING THE ADVANTAGE THAT LOW INCOME TAXPAYERS WILL TAKE OF THE EITC

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. RANGEL. Madam Speaker, I rise today to express my full support of the EITC, a refundable tax credit that reduces or eliminates taxes that low-income married or single working people pay, and also frequently operates as a wage subsidy for low-income workers. I am expressing my hope that taxpayers with incomes of less than $39,783 will take advantage of the EITC, since this can result in a refund of more than $4,700 for the eligible taxpayers. The EITC is one of the largest anti-

poverty tools in the United States. This is an opportunity to help people get out of poverty. To educate those who are eligible for the EITC, more tax centers have extended their hours of operation. I encourage my colleagues in Congress to inform their constituents of the available resources. To check one's eligibility and identify the nearest IRS Taxpayer Assistance Center one can go to IRS.gov.

CELEBRATING VERMONT'S PARTNERSHIP WITH THE REPUBLIC OF MACEDONIA

HON. PETER WELCH

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. WELCH of Vermont. Madam Speaker, Vermont is proud to welcome General Miroslav Stojanovski, Chief of Staff of the Army of the Republic of Macedonia. General Stojanovski's visit is the latest step in a long history of partnership between Vermont and Macedonia.

Established in 1995 through the State Partnership Program of the U.S.-European Command, the partnership began as primarily a military-to-military relationship between the Macedonian Army and the Vermont National Guard. This military partnership has resulted in over 540 joint events that have included over 6,000 members of the Macedonian Army. In September 2006, Vermont National Guard troops and their Macedonian Army counterparts carried out a major, 2-week-long, small-unit exchange exercise to support the professionalization of the Macedonian military in its transformation to meet NATO interoperability standards.

Vermonters' engagement with Macedonia has expanded into civil affairs as well, including the establishment of university partnerships, economic development discussions, and support for the Macedonian youth baseball organization.

In May 2007, the University of Vermont signed an agreement with the SS *Cyril* and Methodius University to promote collaborative scientific research, joint conferences and workshops, and faculty and student exchanges.

Vermonters have also played an important role in bringing baseball, our national pastime, to Macedonia. C.J. Knudsen, the general manager of the Vermont Lake Monsters minor league baseball team traveled to Macedonia to deliver gloves, balls, bats, uniforms, and other equipment to help start the country's first little league.

Macedonia has made incredible strides since its independence in 1991, achieving membership in the United Nations, the Organization for Security and Cooperation in Europe, the World Trade Organization, and to NATO's Partnership for Peace and Membership Action Plan. Macedonia is a candidate for European Union membership and may soon be invited as a full member of NATO, hopefully as soon as April of this year. I look forward to the continued strengthening of the United States and especially Vermont's partnership with the Republic of Macedonia.

RESOLUTION RECOGNIZING THE NATIONAL DAY OF THE COWBOY

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Ms. GIFFORDS. Madam Speaker, today I introduced a resolution officially designating July 26, 2008, as the "National Day of the Cowboy." Americans are encouraged to observe the national contribution of Cowboys and Cowgirls with appropriate ceremonies and activities.

This resolution declares Congress support for honoring working Cowboys and their ongoing contributions to our communities. It also recognizes the Cowboy as a central figure in literature, film and music, occupying an important place in the public imagination. The "National Day of the Cowboy" honors the livelihood of the Cowboy as one that spans race, gender and generations.

Our legendary Cowboy is embraced and respected by people the world over as a symbol of rugged individualism. He represents a commitment to get the job done and do it well while depending on his own ingenuity for survival. He is loyal to an honorable code of ethics as well as persistent and tenacious in the face of any challenge.

The Cowboy is indeed the ultimate western icon, reminding us of a special time in the heart of America's history.

I am proud to be introducing this resolution today, and I urge my colleagues to join me in declaring congressional support for the "National Day of the Cowboy."

CONGRATULATING LEE MYUNGBAK ON ELECTION TO PRESIDENCY OF THE REPUBLIC OF KOREA

SPEECH OF

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Mr. TOWNS. Madam Speaker, I rise today in strong support of H. Res. 947 which welcomes the new President of the Republic of Korea, Lee Myung-Bak, and congratulates him on his upcoming inauguration later this month. I am pleased to be a cosponsor of this important resolution.

Madam Speaker, not a little more than a half century ago—within living memory of several Members of this House, most notably our distinguished Chairman of the House Ways and Means Committee, my dear friend Mr. RANGEL—the Republic of Korea was an impoverished casualty of imperialism and war. It has since grown to be affluent and productive beyond the wildest dreams of the American and South Korean soldiers who fought shoulder-to-shoulder for freedom and democracy during the Korean War.

There are over two million Americans of Korean descent living throughout the United States, from Hawaii, where the first Korean immigrants landed a little more than a century ago, to New York, which is home to one of the largest and most vibrant Korean American communities in the Nation. It is important to note that Korean Americans have made significant contributions in New York politically, economically, culturally and through their various civic and religious organizations.

The newly elected President of the Republic of Korea is a distinguished statesman and prominent business leader. President-elect Lee Myung-Bak has served as a Member of the South Korean National Assembly; he was Mayor of Seoul, South Korea's largest city and capital; he has been a visiting scholar at the George Washington University; and he has been the chief executive officer of some of the Republic of' Korea's most successful business corporations affiliated with the Hyundai Group. He has distinguished himself over the years in both the public and private sectors.

Madam Speaker, President-elect Lee has indicated, in several statements he has made since his election, a profound desire to strengthen the already strong friendship and partnership between the Republic of Korea and the United States. I applaud President-elect Lee for this commitment and look forward to working with him and administration to this end. I join my colleagues in congratulating and wishing him and his transition team well as they take up their new responsibilities.

HONORING THOMAS BASSANO OF TAMPA, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor a man dedicated to turning the tragic abduction and murder of Citrus County child Jessica Lunsford into a rallying cause for child advocacy issues. On Saturday, March 1, 2008, Tom will set out from Marina Del Ray, California, on a cross country journey, running 3,000 miles to raise awareness for children's safety and help prevent future children from being harmed by sexual predators.

In the process of planning for his cross-country run, Tom established the Run for the Innocent to gather support for his endeavor. This group is working with Mark Lunsford, the father of Jessica, as well as the Citrus County Child Advocacy Center, Jessie's Place. All of the charity runs scheduled along Tom's path from California to Florida will be coordinated by staff and volunteers from the center, with all charity proceeds going to charity.

Since his daughter was abducted and killed in 2005, Mark Lunsford has led a 50-state effort to strengthen laws targeting sexual offenders and predators. I was proud to work with Mark to pass Federal legislation, the Jessica Lunsford Act, as part of comprehensive child welfare legislation. A man truly dedicated to improving the chances for children affected by abuse, neglect, and sexual predators, Mark established Jessie's Place as a center to serve children affected by child abuse or neglect.

Madam Speaker, I ask that you join me in honoring Tom Bassano for making his commitment to American children and running across the United States to fight violence against children. Tom's effort shows the effect that one man can have on the lives of millions, and should be commended by this entire body for

his novel idea to raise money for this worthy cause. We wish Tom luck on his journey and look forward to welcoming him to Citrus County when he finishes his run.

HONORING FAMILY SERVICES INC.

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. SHUSTER. Madam Speaker, I rise today to recognize the 80th anniversary of Family Services Incorporated, a non-profit organization located in Altoona, Pennsylvania. Family Services Incorporated has worked to provide vital services to the community.

Known at its founding as the Blair County Children's Aid Society, the organization was created to aid in the care and eventual adoption of abused and neglected children. A community-wide evaluation found that there was a need for a nonprofit agency to offer capable social work services aimed toward resolving individual, marital and family problems in 1967 and 1968. The United Way agency provided funding for Family and Children's Service of Blair County so it could provide programming and services to meet those needs. Throughout the 1970s, the agency established a residential program for individuals with developmental disabilities. Throughout the 1980s the agency served victims of domestic violence, sexual assault, and runaway and homeless children. In 1997 the agency officially became Family Services Incorporated.

Led by a dedicated board of directors and management team, Family Services Incorporated is always willing to adjust programming for adults and children who seek its services. It has constantly endeavored to build healthier relationships within the community. Dedicated staff provide services through the Domestic Abuse Project, Crime Victim Support Services, Street Wise Outreach and Opportunity Program, Runaway and Homeless Youth Program, Emergency Shelter for Men, Men helping Men, Developmental Disabilities Program, Protection from Abuse Office, Women Aware and Counseling.

Family Services Incorporated has provided a trustworthy atmosphere which has worked to help a multitude of men, women, and children throughout its history. I look forward to celebrating the 80th anniversary of such a wonderful organization, as it has brought a greater appreciation to our area and has surely been an asset to the community. I would like to wish Family Services Incorporated all the best in its future endeavors.

PERSONAL EXPLANATION

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. RYAN of Wisconsin. Madam Speaker, I was absent for legislative business conducted on February 12, 2008, due to inclement weather. As a result, I missed rollcall votes 43–45.

Had I been present, I would have voted: "aye" on rollcall vote 43—H. Res. 954, honoring the life of senior Border Patrol agent Luis A. Aguilar who lost his life in the line of duty near Yuma, Arizona, on January 19, 2008; "aye" on rollcall vote 44—H. Res. 909, commemorating the courage of the Haitian soldiers that fought for American independence in the "Siege of Savannah" and for Haiti's independence and renunciation of slavery; and "aye" on rollcall vote 45—H. Con. Res. 238, celebrating the birth of Abraham Lincoln and recognizing the prominence the Declaration of Independence played in the development of Abraham Lincoln's beliefs.

ECONOMIC STIMULUS ACT OF 2008

SPEECH OF

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. KANJORSKI. Madam Speaker, I rise today to express my appreciation to the House Democratic and Republican leadership and to our colleagues in the Senate for the bipartisan effort that has produced timely, targeted, and temporary legislation to stimulate our Nation's slowing economy. I am also pleased that the legislation we are about to consider ensures that our Nation's senior citizens and disabled veterans are not left out of this worthwhile package.

Because of my concerns that the bill we considered last week did not include low-income seniors and disabled, I led the effort in the House to ensure that those who depend entirely on their Social Security checks were included in the final version of this legislation. I am very pleased that the Senate agreed and expanded the economic stimulus package to provide these Americans with much-needed relief. I urge my colleagues in the House to do the same.

Our Nation's seniors and disabled veterans are facing difficult economic times. For years, these men and women have been forced to survive on less and less as their costs continue to increase and their incomes remain the same. These Americans need cash rebates just as much as the individuals originally included in the stimulus package.

I am also pleased to see that the legislation we are about to vote on includes language that would ensure that illegal immigrants do not receive cash benefits that should only go to those who rightfully deserve them. This language mirrors legislation that I introduced in the House today.

Finally, the bill before us contains an important provision that I helped to craft as the Chairman of the Subcommittee on Capital Markets. Insurance and Government Sponsored Enterprises. This reform will temporarily increase the conforming loan limits of Fannie Mae and Freddie Mac to enhance the liquidity of our mortgage markets. I support this short-term change.

Madam Speaker, once again I wish to applaud the efforts of both the Members of the House and Senate in crafting legislation that will spur our economy, provide rebates to those that need them most, and ensure that those ineligible for federal benefits do not receive them.

COMPETING CURRENCIES

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. PAUL. Madam Speaker, I rise to speak on the concept of competing currencies. Currency, or money, is what allows civilization to flourish. In the absence of money, barter is the name of the game; if the farmer needs shoes, he must trade his eggs and milk to the cobbler and hope that the cobbler needs eggs and milk. Money makes the transaction process far easier. Rather than having to search for someone with reciprocal wants, the farmer can exchange his milk and eggs for an agreed-upon medium of exchange with which he can then purchase shoes.

This medium of exchange should satisfy certain properties: It should be durable, that is to say, it does not wear out easily; it should be portable, that is, easily carried; it should be divisible into units usable for everyday transactions: it should be recognizable and uniform, so that one unit of money has the same properties as every other unit; it should be scarce, in the economic sense, so that the extant supply does not satisfy the wants of everyone demanding it; it should be stable, so that the value of its purchasing power does not fluctuate wildly; and it should be reproducible, so that enough units of money can be created to satisfy the needs of exchange.

Over millennia of human history, gold and silver have been the two metals that have most often satisfied these conditions, survived the market process, and gained the trust of billions of people. Gold and silver are difficult to counterfeit, a property which ensures they will always be accepted in commerce. It is precisely for this reason that gold and silver are anathema to governments. A supply of gold and silver that is limited in supply by nature cannot be inflated, and thus serves as a check on the growth of government. Without the ability to inflate the currency, governments find themselves constrained in their actions, unable to carry on wars of aggression or to appease their overtaxed citizens with bread and circuses.

At this country's founding, there was no government controlled national currency. While the Constitution established the Congressional power of minting coins, it was not until 1792 that the U.S. Mint was formally established. In the meantime. Americans made do with foreign silver and gold coins. Even after the Mint's operations got underway, foreign coins continued to circulate within the United States, and did so for several decades.

On the desk in my office I have a sign that says: "Don't steal—the government hates competition." Indeed, any power a government arrogates to itself, it is loathe to give back to the people. Just as we have gone from a constitutionally-instituted national defense consisting of a limited army and navy bolstered by militias and letters of marque and reprisal, we have moved from a system of competing currencies to a government-instituted banking cartel that monopolizes the issuance of currency. In order to introduce a system of competing currencies, there are three steps that must be taken to produce a legal climate favorable to competition.

The first step consists of eliminating legal tender laws. Article I Section 10 of the Constitution forbids the States from making anything but gold and silver a legal tender in payment of debts. States are not required to enact legal tender laws, but should they choose to, the only acceptable legal tender is gold and silver, the two precious metals that individuals throughout history and across cultures have used as currency. However, there is nothing in the Constitution that grants the Congress the power to enact legal tender laws. We, the Congress, have the power to coin money, regulate the value thereof, and of foreign coin, but not to declare a legal tender. Yet, there is a section of U.S. Code, 31 U.S.C. 5103, that purports to establish U.S. coins and currency, including Federal Reserve notes, as legal tender.

Historically, legal tender laws have been used by governments to force their citizens to accept debased and devalued currency. Gresham's Law describes this phenomenon. which can be summed up in one phrase: Bad money drives out good money. An emperor, a king, or a dictator might mint coins with half an ounce of gold and force merchants, under pain of death, to accept them as though they contained one ounce of gold. Each ounce of the king's gold could now be minted into two coins instead of one, so the king now had twice as much ''money'' to spend on building castles and raising armies. As these legally overvalued coins circulated, the coins containing the full ounce of gold would be pulled out of circulation and hoarded. We saw this same phenomenon happen in the mid-1960s when the U.S. government began to mint subsidiary coinage out of copper and nickel rather than silver. The copper and nickel coins were legally overvalued, the silver coins undervalued in relation, and silver coins vanished from circulation.

These actions also give rise to the most pernicious effects of inflation. Most of the merchants and peasants who received this devalued currency felt the full effects of inflation, the rise in prices and the lowered standard of living, before they received any of the new currency. By the time they received the new currency, prices had long since doubled, and the new currency they received would give them no benefit.

In the absence of legal tender laws, Gresham's Law no longer holds. If people are free to reject debased currency, and instead demand sound money, sound money will gradually return to use in society. Merchants would have been free to reject the king's coin and accept only coins containing full metal weight.

The second step to reestablishing competing currencies is to eliminate laws that prohibit the operation of private mints. One private enterprise which attempted to popularize the use of precious metal coins was Liberty Services, the creators of the Liberty Dollar. Evidently the government felt threatened, as Liberty Dollars had all their precious metal coins seized by the FBI and Secret Service this past November. Of course, not all of these coins were owned by Liberty Services, as many were held in trust as backing for silver and gold certificates which Liberty Services issued. None of this matters, of course, to the government, who hates to see any competition.

The sections of U.S. Code which Liberty Services is accused of violating are erroneously considered to be anti-counterfeiting statutes, when in fact their purpose was to shut down private mints that had been operating in California. California was awash in gold in the aftermath of the 1849 gold rush, yet had no U.S. Mint to mint coinage. There was not enough foreign coinage circulating in California either, so private mints stepped into the breech to provide their own coins. As was to become the case in other industries during the Progressive era, the private mints were eventually accused of circulating debased (substandard) coinage, and in the interest of providing government-sanctioned regulation and a government guarantee of purity, the 1864 Coinage Act was passed, which banned private mints from producing their own coins for circulation as currency.

The final step to ensuring competing currencies is to eliminate capital gains and sales taxes on gold and silver coins. Under current Federal law, coins are considered collectibles, and are liable for capital gains taxes. Short-term capital gains rates are at income tax levels, up to 35 percent, while long-term capital gains taxes are assessed at the collectibles rate of 28 percent. Furthermore, these taxes actually tax monetary debasement. As the dollar weakens, the nominal dollar value of gold increases. The purchasing power of gold may remain relatively constant, but as the nominal dollar value increases, the Federal government considers this an increase in wealth, and taxes accordingly. Thus, the more the dollar is debased, the more capital gains taxes must be paid on holdings of gold and other precious metals.

Just as pernicious are the sales and use taxes which are assessed on gold and silver at the State level in many States. Imagine having to pay sales tax at the bank every time you change a $10 bill for a roll of quarters to do laundry. Inflation is a pernicious tax on the value of money. but even the official numbers, which are massaged downwards, are only on the order of 4 percent per year. Sales taxes in many states can take away 8 percent or more on every single transaction in which consumers wish to convert their Federal Reserve Notes into gold or silver.

In conclusion, Madam Speaker, allowing for competing currencies will allow market participants to choose a currency that suits their needs, rather than the needs of the government. The prospect of American citizens turning away from the dollar towards alternate currencies will provide the necessary impetus to the U.S. government to regain control of the dollar and halt its downward spiral. Restoring soundness to the dollar will remove the government's ability and incentive to inflate the currency, and keep us from launching unconstitutional wars that burden our economy to excess. With a sound currency, everyone is better off, not just those who control the monetary system. I urge my colleagues to consider the redevelopment of a system of competing currencies.

EXPRESSING THE CONDOLENCES OF THE HOUSE OF REPRESENTATIVES ON THE DEATH OF THE HONORABLE TOM LANTOS, A REPRESENTATIVE OF THE STATE OF CALIFORNIA

SPEECH OF

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mr. KLEIN of Florida. Madam Speaker, I rise today to honor a great man, Congressman TOM LANTOS.

I would like to send my deepest sympathies to Annette and the whole Lantos family. Congressman TOM LANTOS' partnership with his wife, Annette, was one of respect and true adoration. I hope that the whole family will be comforted by the knowledge that TOM's work has enhanced the lives of millions around the world.

I was proud to serve on the Foreign Affairs Committee under the chairmanship of TOM LANTOS. Within the Congress, he was viewed as the strongest and most vocal defender of human rights. When he spoke, people listened, and when he led, people followed. His moral clarity serves as an example that generations to come will strive to follow.

His achievements in world affairs will live on as his legacy. His impassioned protection of human rights, his crusade for democracy, his defense of Israel and Jews worldwide, show that one individual truly can make a difference in this world.

Last fall, he and Annette asked me to lead the Congressional Taskforce on Anti-Semitism, which is a project that they started together as Holocaust survivors. Now, as we continue our fight against anti-Semitism throughout the world, his memory will carry on in everything that we do.

Congress and the Nation have lost an important voice. But that voice will continue to inspire America and people throughout the world.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Ms. WOOLSEY. Madam Speaker, on February 7, 2008, I was unavoidably detained and was not able to record my votes for rollcall Nos. 32–42.

Had I been present I would have voted:

Rollcall No. 32—''yes''—Providing for consideration of the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes.

Rollcall No. 33—''yes''—Providing for consideration of the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes.

Rollcall No. 34—''yes''—Calling for a peaceful resolution to the current electoral crisis in Kenya.

Rollcall No. 35—''yes''—To extend for one year parity in the application of certain limits to mental health benefits, and for other purposes.

Rollcall No. 36—''yes''—Petri of Wisconsin Amendment No. 4.

Rollcall No. 37—"yes"—Petri of Wisconsin Amendment No. 5.

Rollcall No. 38—"yes"—Davis of Illinois Amendment.

Rollcall No. 39—"no"—To amend and extend the Higher Education Act of 1965, and for other purposes.

Rollcall No. 40—"yes"—To amend and extend the Higher Education Act of 1965, and for other purposes.

Rollcall No. 41—"yes"—Congratulating Lee Myung-Bak on his election to the Presidency of the Republic of Korea and wishing him well during his time of transition and his inauguration on February 25, 2008.

Rollcall No. 42—"yes"—Recovery Rebates and Economic Stimulus for the American People Act of 2008.

HONORING THE LIFE AND WORK OF MARY ISAAK

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Ms. WOOLSEY. Madam Speaker, it is with great sadness that I rise today to recognize the passing of Mary Isaak, a Petaluma activist who was committed to the noble struggle of helping the less fortunate overcome homelessness. Mary died of congestive heart failure last month at the age of 88, leaving an enduring legacy to the people of Petaluma, California through the establishment of COTS—the Committee on the Shelterless.

After receiving a music degree from the University of Oregon, Mary moved to Berkeley, where she met her future husband, who later tired of the area and moved his family to what was then rural California—to the egg basket of the State, Petaluma. There, Mary raised five children and taught at Live Oak High, the small school she started on their 22-acre ranch.

Mary's life of community service continued in the late 1980s, when she and Laure Reichek noticed the increasing number of homeless in the area and determined to obviate the problem. In 1988, they founded COTS. I was on the Petaluma City Council during this time and had the good fortune to work with Mary and Laure in facilitating the establishment of this incredible organization, dedicated to housing homeless families.

"It eventually took on a life of its own," says John Records, COTS current executive director. "It activated something in the community and it gave people the opportunity to help. It offered a way to get involved."

In a town of 55,000 residents, the nonprofit registered more than 50,000 volunteer hours last year alone. These volunteers helped prepare and serve more than 100,000 meals besides working on other programs the facility offers.

The community embraced COTS because Mary set an example, volunteering for countless tasks and remaining on the board of directors.

"Even as she aged and became less strong, she continued to be involved," Records notes.

In 2004, COTS recognized Mary's vision and commitment by naming its new housing facility in her honor—the Mary Isaaks Center. The center houses beds for 300, provides between 50,000 and 100,000 bed-nights per year, and its kitchen offer more than half a million pounds of food each year to the hungry and homeless of Petaluma. Other programs thrive, as well. For example, recently COTS added an innovative pilot trauma center to its services.

Madam Speaker, it is impossible to measure the impact Mary Isaak's work has had on the individuals—both homeless and volunteers—and on the community of my hometown of Petaluma. She leaves to the community a legacy of compassion and involvement that the world would do well to follow. She will be greatly missed.

INTRODUCING LEGISLATION TO UPGRADE THE SECURITY OF THE SOCIAL SECURITY CARD

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. KIRK. Madam Speaker, today, along with my colleague Mr. ROSKAM, I am introducing legislation requiring the Social Security Administration to develop secure Social Security cards to combat the rising problem of identity theft and immigration fraud.

Since Social Security started in 1935, more than 450 million Social Security cards have been issued. Over the years, we've had 50 card variations, but all have one common element—they are too easy to counterfeit.

According to a 2005 Government Accountability Office report, employers reported the use of 1.4 million Social Security numbers that don't exist. Additionally, nearly 1.7 million numbers have been used by multiple individuals, some as many as 500 times or more.

In 2006, U.S. Immigration and Customs Enforcement (ICE) officials made 1,272 arrests for identity and benefit fraud. While there is no central database for confiscated fraudulent Social Security card statistics, regional illegal document rings illustrate a systemic problem.

Last April, Federal agents arrested 23 individuals and broke up an illegal document ring in the Little Village neighborhood of Chicago. Officials estimated that up to 100 fake Social Security cards were issued each day at the location. According to the Northern Illinois U.S. Attorney's Office, the enterprise netted $3 million per year for a violent Mexico-based crime syndicate.

ICE broke up a similar ring in the same neighborhood in December 2005. Last October, Cook County Sheriff's detectives arrested two individuals for manufacturing hundreds of fake identification documents in Chicago's West Lawn neighborhood. Outside of the Chicago area, one ICE raid in Washington, DC, netted 880 fake Social Security cards.

In Waukegan, police raids discovered numerous crimes of identity theft, including criminals purchasing homes and cars with stolen Social Security numbers. For as little as $100, an individual in Waukegan can purchase a fake Social Security card.

It's time we upgrade Social Security cards with photos and biometric data like a fingerprint to protect seniors from identity theft and prevent draining of Social Security trust funds.

Many government agencies already use secure IDs, including the Department of Defense. An ID with a bar code embedded with biometric data, as well as a picture, will help prevent counterfeiting. We have the technology now—there is no excuse to use a document that anyone can forge at a Kinkos.

To protect seniors, fight identity theft and defend our homeland, I urge my colleagues to join this effort.

HONORING TOM H. SPARKS

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. UPTON. Madam Speaker, I rise to recognize and pay tribute to Tom H. Sparks of St. Joseph, Michigan, who is celebrating his 100th birthday.

Mr. Sparks was born in a log cabin with a dirt floor and sod roof in Oklahoma in 1908. He was taken out of school at the age of 14 when he went to work to support his family. He was a member of the "Greatest Generation" and served his country with distinction and honor in World War II in the European Theatre.

Mr. Sparks has been a resident of St. Joseph, Michigan for more than 80 years. To say that Tom Sparks is a man who has been active in his community would be a gross understatement. Mr. Sparks has rarely missed a meeting of the St. Joseph City Commission over the last eight decades. He was first elected to serve on the St. Joseph City Commission in 1948 and served as Mayor of his adopted hometown from 1955 to 1963. Even into his 90s—his name appeared on the ballot seeking a seat on the City Commission.

Mr. Sparks retired from the City of Benton Harbor as assistant to the superintendent and a building inspector in 1975 at the age of 67. As part of his birthday celebration, it is fitting he is being recognized by City Commissioners in St. Joseph.

FREEDOM FOR CARLOS MARTÍN GOMEZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to remind my colleagues about Carlos Martín Gomez, a political prisoner in totalitarian Cuba who continues his struggle to bring human rights and dignity to the people of Cuba.

In 2000 Cuban regime thugs arrested Mr. Martín for "desecrating" the thug-in-chief Fidel Castro. How exactly does one desecrate a tyrannical despot? In Mr. Martín's case by going to the Jose Martí Airport and calling out loud for the end of Fidel Castro's oppression of the Cuban people. Such a brave act earned Mr. Martín a 4-year sentence in the gulag.

The regime may have thought they could quiet Mr. Martín's calls for the end to the dictatorship by throwing him into a prison to suffer under unbearable conditions. But Mr. Martín would not let the walls of the gulag suffocate his continued calls for a free Cuba. Because of his continued crusade to bring freedom to

the Cuban people, the regime added somewhere between 14 years and 37 years to his sentence.

Now the dictatorship is trying a different tactic to silence Mr. Martín, they are refusing to provide him with adequate medical care after a fish bone got caught in his throat. According to his sister, Mr. Martín has lost considerable weight as he is only able to ingest liquids due to his untreated throat condition.

Despite the gangster tactics and heinous threats against him, Mr. Martín refuses to back down and be silenced by the totalitarian regime. He still bravely continues to demand human rights and dignity for the Cuban people. On November 5, 2007, Mr. Martín released the following statement for the Cuban people from his prison:

> Cuba is a big prison which the regime has filled with prisons, poverty, famine and disease. The communist thugs have subjected us to this for 48 years. Hopefully, soon we will see freedom in the beautiful land of our birth, and that nobody has to flee . . . I reiterate my affection, respect and love, from the No. 3 cell of the Melena del Sur prison, in Havana province, to all who in one form or another, struggle for the independence and freedom of Cuba.

Madam Speaker, it is unconscionable that Carlos Martín Gomez is locked in a filthy dungeon for calling for human rights and freedom for the Cuban people. My colleagues, we must demand the immediate and unconditional release of Carlos Martín Gomez and every political prisoner in totalitarian Cuba.

HONORING DELMER WALLEN, SR.

HON. DAVID DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. DAVID DAVIS of Tennessee. Madam Speaker, I rise today to honor the memory and life of Delmer Wallen, Sr., a true asset to the First Congressional District of Tennessee, who passed away January 28, 2008.

Delmer Wallen, Sr. lived a life of service and entrepreneurship, and was known by all for his compassion to all those around him.

He was born in Kyles Ford, Hancock County, Tennessee and lived in Kingsport for most of his life. Mr. Wallen was employed as president and general manager of Kingsport Grocery Company thirty-two years. He was in the wholesale grocery business for forty years managing multiple companies.

A great community leader, Delmer Wallen, Sr. served on numerous boards including Holston Valley Community Hospital and the Salvation Army in Kingsport, Tennessee.

In 1986 Delmer served as president of the Harlan County, Kentucky Chamber of Commerce and Chairman of the Sullivan County Republican party which further shows his commitment to the community that he lived in.

Delmer was also a fifty-year member of the American Legion and served this great country in the Korean War as a member of the U.S. Army Corp of Engineers.

Delmer also showed his commitment to his faith by regularly attending West View Primitive Baptist Church. During his time spent with West View Primitive Baptist Church, Delmer served in various positions such as church treasurer and adult Sunday school teacher.

Madam Speaker, I ask that the House join me this evening in offering our sympathies to the family and friends of Delmer Wallen, Sr. He was a dedicated member of the community, the church, and the United States and a true friend of the First District. His service is greatly treasured and he will be deeply missed.

HONORING RETIRING WEST SENECA TOWN COUNCILMAN CRAIG HICKS

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. HIGGINS. Madam Speaker, I rise today to honor the public career of Craig Hicks.

As a councilman to the Town of West Seneca, a thriving community of 46,000 hard-working residents, Craig spent a great deal of time protecting their ideals and values. During his tenure the town continued its rich heritage and continues to develop into a town of great commercial growth, providing a kind atmosphere to live, work and raise a family. This remained possible as a result of all of the hard work of the town's public officials, and Craig's efforts as a member of the town board demonstrate that commitment.

Madam Speaker, I ask that this Congress join me in extending appreciation to Craig Hicks for his dedicated service and commitment to his community. We wish Craig and his entire family only the very best of health and happiness long in the future.

COMMEMORATING THE OPENING OF THE STEVEN E. COPELAND GOVERNMENT CENTER

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. BURGESS. Madam Speaker, I rise today to commemorate the grand opening of the Steven E. Copeland Government Center in Cross Roads, Texas in Denton County. The grand opening for this new facility is Friday, February 22, 2008.

The center is named in honor of the late Steven Everett Copeland, an enthusiastic employee of Denton County Road and Bridge East. Mr. Copeland is remembered by his fellow workers and supervisors as a person who took pride in a job done well and was dedicated to giving his best to the citizens of Denton County. This center is dedicated to honor both his memory and his contributions to the local community.

This center will provide the citizens of Denton County increased access to county services and local government officials, including the County Commissioner for Precinct 1, Constable, County Clerk, Justice of the Peace, Tax Assessor, Probation Officers, and the Denton County Sheriff. Many local officials have already moved into the new facility, saying it allows them to be closer to their constituents and provides more efficient access for the public. Local residents are able to pay county taxes, register vehicles, and receive new license plates for their vehicles.

Along with these government offices, the Steven E. Copeland Government Center will also house a community room which is available to the public for use. Denton County has committed itself to providing the best for its citizens, and this new center is a shining example of that commitment.

Madam Speaker, it is with great honor that I congratulate Denton County Commissioner Cynthia White and the Commissioners Court on the opening of this facility. I am proud to represent Denton County in the 26th District of Texas and look forward to seeing the positive effects this center will have on the community.

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Ms. LORETTA SANCHEZ of California. Madam Speaker, on Wednesday, February 6, 2008, I was unavoidably detained in my Congressional district.

Had I been present and voting, I would have voted as follows:

(1) Rollcall No. 29: "Yes" on Motion To Suspend the Rules and Pass H. Res. 867;

(2) Rollcall No. 30: "Yes" on Motion To Suspend the Rules and Pass H. Res. 942;

(3) Rollcall No. 31: "Yes" on Motion To Suspend the Rules and Pass H. Res. 943.

HONORING SY LENZ, OF SONOMA, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. THOMPSON of California. Madam Speaker, I rise, along with Congresswoman LYNN WOOLSEY, to recognize the gentleman honored by the City of Sonoma as 2008 Alcalde—Honorary Mayor of the Year—Sy Lenz. The honorary position of Alcalde has been bestowed each year since 1975 on a person who has enhanced the welfare of Sonoma by his or her unselfish contributions to the community.

As Alcalde, Sy will be given a silver-headed cane as a symbol of his distinction and will appear in parades, grand openings and other special events throughout the year.

Although Sy and his wife, Harriet, have lived in Sonoma since 1989, when they moved here to be near their daughter, Sy leapt directly into community service. He used his talents as a retired U.S. Air Force Lt. Colonel and executive recruiter to volunteer on the strategic plan for the local school district. He also became active in the Kiwanis Club and with La Luz Center, a local nonprofit serving immigrants, as well as founding and developing Congregation Shir Shalom.

"One project I worked on was an attempt to establish an in-town teen club," Sy says. "We raised thousands of dollars hopefully to find a site, and although it remained out of our reach, it lead to the creation of the 'No-Name Café' at Sonoma Valley High School."

Sy's service is not limited to the younger generation. He has participated in delivering

holiday meals to seniors and shut-ins, and was part of the effort to create the Senior Shade Program which provides senior citizens transportation to and from the town's holiday parades and a shady place from which to watch.

Most recently, Sy has served as president of the board of directors of SOS—Sonoma Overnight Shelter—which he and other members of the community started in an effort to extend a helping hand to the homeless and working poor who need assistance with restoring their self-sufficiency. It is a project he has dedicated himself to.

First of all, Sy points out, it is a shelter; it is designed for those who are temporarily homeless. ''Most of the time the people we're dealing with are women or single moms,'' says Sy. These are usually women who have been dependent upon a man and suddenly find themselves alone or alone with children and without life skills needed for independent living. They may stay with family or friends for awhile until that becomes untenable and then they are out on the streets.

''And this,'' Sy says, referring to the astronomical Bay Area real estate prices. ''is a tough place to find an affordable space.''

His compassionate service is one reason Sonoma Mayor Joanne Sanders chose Sy for Alcalde. She has known Sy for 20 years and says, ''When it's driving rain, late at night, and the phone rings, he's the kind of guy who'll go out and find a place for someone to stay. He's an unsung hero.''

Madam Speaker, we would like to join with the City of Sonoma in recognizing the contributions Sy Lenz has made to the lives of the residents of the Sonoma Valley area.

HONORING SY LENZ

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Ms. WOOLSEY. Madam Speaker, I rise, along with Congressman MIKE THOMPSON, to recognize the gentleman honored by the City of Sonoma as 2008 Alcalde—Honorary Mayor of the Year, Sy Lenz. The honorary position of Alcalde has been bestowed each year since 1975 on a person who has enhanced the welfare of Sonoma by his or her unselfish contributions to the community.

As Alcalde, Sy will be given a silver-headed cane as a symbol of his distinction and will appear in parades, grand openings and other special events throughout the year.

Although Sy and his wife, Harriet, have lived in Sonoma since 1989, when they moved here to be near their daughter, Sy leapt directly into community service. He used his talents as a retired U.S. Air Force Lt. Colonel and executive recruiter to volunteer on the strategic plan for the local school district. He also became active in the Kiwanis Club and with La Luz Center, a local nonprofit serving immigrants, as well as founding and developing Congregation Shir Shalom.

''One project I worked on was an attempt to establish an in-town teen club,'' Sy says. ''We raised thousands of dollars hopefully to find a site, and although it remained out of our reach, it lead to the creation of the ''No-Name Cafe'' at Sonoma Valley High School.''

Sy's service is not limited to the younger generation. He has participated in delivering holiday meals to seniors and shut-ins, and was part of the effort to create the Senior Shade Program which provides senior citizens transportation to and from the town's holiday parades and a shady place from which to watch.

Most recently, Sy has served as president of the board of directors of SOS—Sonoma Overnight Shelter—which he and other members of the community started in an effort to extend a helping hand to the homeless and working poor who need assistance with restoring their self-sufficiency. It is a project he has dedicated himself to.

First of all, Sy points out, it is a shelter; it is designed for those who are temporarily homeless. ''Most of the time the people we're dealing with are women or single moms,'' says Sy. These are usually women who have been dependent upon a man and suddenly find themselves alone or alone with children and without life skills needed for independent living. They may stay with family or friends for awhile until that becomes untenable and then they are out on the streets. ''And this,'' Sy says, referring to the astronomical Bay Area real estate prices, ''is a tough place to find an affordable space.''

His compassionate service is one reason Sonoma Mayor Joanne Sanders chose Sy for Alcalde. She has known Sy for 20 years and says, ''When it's driving rain, late at night, and the phone rings, he's the kind of guy who'll go out and find a place for someone to stay. He's an unsung hero.''

Madam Speaker, we would like to join with the City of Sonoma in recognizing the contributions Sy Lenz has made to the lives of the residents of the Sonoma Valley area.

COMMEMORATING THE DAY OF REMEMBRANCE—

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. HONDA. Madam Speaker, I rise today to commemorate the Day of Remembrance. February 19th, 2008 marks the 66th anniversary of the signing of Executive Order 9066, which authorized the incarceration of over 120,000 Americans of Japanese, Italian and German ancestry. This year also marks the 20th anniversary of the enactment of the Civil Liberties Act of 1988, which formally acknowledged and apologized for violations of fundamental civil liberties and constitutional rights of the Japanese Americans who were interned during World War II.

The Day of Remembrance is of particular importance to me as I spent part of my childhood in Amache, an internment camp in southeastern Colorado. My experiences at Amache helped shape my outlook on life and influenced my political beliefs.

The purpose of the Day of Remembrance is to learn from our nation's past transgressions. In 1942, our nation's leaders failed us. Some 120,000 people were taken from their homes and incarcerated, simply because of their ancestry. Those incarcerated were denied their rights as lawful U.S. citizens or legal permanent residents.

Though the Day of Remembrance has been established to increase public awareness of the events surrounding the restriction, exclusion, and internment of individuals and families during World War II, we must continue to work to educate the public about the internment of Americans in order to prevent similar injustices from ever happening again. We must not allow history to repeat itself.

In this post-9/11 world, it is imperative that we remain vigilant in the protection of our civil liberties. As we continue to fight the war against terrorism, we must reaffirm our commitment to the civil liberties granted in the Constitution and resist the urge to give into wartime hysteria. Falling victim to the same kind of racial prejudice and discrimination exhibited during World War II completely disregards the lessons of the war and the purpose of a Day of Remembrance. I am hopeful that my colleagues in both chambers will appropriate funds for Public Law 109–441 to ensure the historic preservation of Japanese American internment sites.–

Although the Civil Liberties Act of 1988 formally apologizes for violating the rights of Japanese Americans during World War II, we must not forget about the experience of Japanese Latin Americans who were also unjustly treated. These people were extricated from Latin America and brought to the United States, only to have their documents taken away from them. Without proper documentation, these Japanese Latin Americans became individuals without a country and were subsequently used as pawns in exchange for POWs in the Pacific theater. H.R. 662, the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act, seeks to rectify the injustices committed against these Japanese Latin Americans by establishing a Commission to investigate the relocation, interment, and deportations of Japanese Latin Americans and to recommend appropriate actions. I urge my colleagues to cosponsor H.R. 662 to continue the healing process started by the Civil Liberties Act of 1988.

Now, more than ever, we must strive to balance our cherished civil liberties with the need to protect our homeland. Finding this balance is the enduring lesson that the Day of Remembrance teaches us and a lesson that cannot be lost on our nation's policymakers.

LEE BOTTS—

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. VISCLOSKY. Madam Speaker, it is with great honor and pleasure that I stand before you today to honor one of Northwest Indiana's most dedicated, distinguished, and honorable citizens. I have known Lee Botts for many years, and she is one of the most active and involved citizens I have ever known, especially when it comes to her service to protecting the Great Lakes and Lake Michigan's National Lakeshore. Today, Lee is celebrating a milestone, her 80th birthday. In her honor, a celebration will be taking place on Thursday, February 21, 2008, at the Metropolitan Club in Chicago, Illinois.

Lee Botts spent her childhood in Kansas and Oklahoma, and as a young woman, Lee

moved with her four children to Chicago's Hyde Park neighborhood. In Chicago, Lee became active in neighborhood associations, such as the Hyde Park-Kenwood Community Conference, and became active in the preservation of the Great Lakes. In 1966, Lee participated in the campaign to acknowledge the Indiana Dunes as a National Lakeshore. While Lee was active in the protection of the lakeshore, she was also a columnist for the Hyde Park Herald, a weekly community publication of which she later became the editor. As well as being active in community press, Lee also established the Hyde Park Garden Fair, which is still held on an annual basis. In the late 1960s, Lee also became a staff member of the Openlands Project in Chicago, an organization dedicated to preserving and enhancing public open space around Chicago and northern Illinois.

In 1971, Lee founded the Lake Michigan Federation, known today as the Alliance for the Great Lakes. The Federation was the first independent citizen organization dedicated to the preservation of a specific Great Lake. As the leader of the Federation, Lee became dedicated to protecting the lakeshore and actively lobbied Congress to tackle issues of environmental protection, focusing on the first federal Clean Water Act. Because of her dedication to the environment, Lee served on the staff of the Environmental Protection Agency for several years when the agency was in its infancy, and in 1977 was appointed by President Carter as the head of the Great Lakes Basin Commission, headquartered in Ann Arbor, Michigan. Following this position, Lee worked with Mayor Harold Washington and the city of Chicago as a staff member and consultant for the city's newly developed Department of the Environment.

Lee also founded the Indiana Dunes Environmental Learning Center, a summer camp offering children of U.S. Steel employees an opportunity to learn about the environment and the necessity of its preservation. In addition to the numerous organizations Lee founded, she also made time to serve in various capacities at several other organizations, such as the Save the Dunes Council, the Northwest Indiana Quality of Life Council, Great Lakes United, the State of Illinois' Task Force of Global Climate Change, the State of Indiana Water Pollution Control Board, Chicago Wilderness, and the Northwest Indiana Regional Planning Commission.

Madam Speaker, Lee Botts has given her time and efforts selflessly to the protection of our environment and lakeshore throughout her many years of service. At this time, I ask that you and all of my distinguished colleagues join me in commending her for her lifetime of service and dedication to her community. I also ask that you join me in wishing her a very happy 80th birthday.

SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this body with another Sunset Memorial.

It is February 13, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand—just today. That is more than the number of innocent American lives that we lost on September 11th, only it happens every day.

It has now been exactly 12,805 days since 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 of our own children.

Some of them, Madam Speaker, cried and screamed as they died, but because it was amniotic fluid passing over their vocal cords instead of air, we couldn't hear them. And all of them had at least four things in common.

They were each just little babies who had done nothing wrong to anyone. 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.

Yet even in the full glare of such tragedy, this generation clings to blindness and invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims to date, those yet unborn.

Madam Speaker, 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 Madam Speaker, another day has passed, and we in this body have failed again to honor that commitment. We failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died without the protection we should have been given them.

But perhaps tonight, Madam Speaker, maybe someone new who heard this sunset memorial will finally realize that abortion really does kill a baby, that it hurts mothers in ways that we can never express, and that 12,805 days spent killing nearly 50 million unborn children in America is enough; and that this National 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 yet another day to come, may that be the day when 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.

It is February 13, 2008—12,805 days since Roe v. Wade first stained the foundation of this Nation with the blood of its own children—this, in the land of free and the home of the brave.

RECOVERY REBATES AND ECONOMIC STIMULUS FOR THE AMERICAN PEOPLE ACT OF 2008

SPEECH OF

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Ms. DELAURO. Madam Speaker, from negative economic data on wages and consumer prices to a falling stock market, there is almost no margin for error in today's tight economy. We face an urgency and a mutual obligation to get it right and ensure no American is forced to live in those margins.

Today's economy weighs very heavily on America's families—and lately, things have gone from bad to worse. In December, the unemployment rate shot up to a 2-year high of 5 percent. December's sales and consumer confidence were at a 5-year low. Oil prices topped $100 a barrel, and home foreclosures are at an alltime high. And growth last quarter slowed to a glacial .6 percent.

This legislation represents a strong bipartisan agreement on an economic stimulus package that will begin to provide financial relief and income security to the middle class working Americans most at risk in a prospective recession. The Senate voted 18–16 in favor of the package to jumpstart our slowing economy and create jobs here at home, and I am proud of our quick action in both houses to get this done.

Last week, the House approved strong stimulus legislation, and this version continues in that spirit with two additions expanding recovery rebates to an additional 20 million seniors and 250,000 disabled veterans. Our men and women in uniform fought for our Nation, and they deserve all the respect, care and support we can provide.

Building on our work to extend the Child Tax Credit—and my belief that all hard-working low- and middle-income families should receive at least a partial credit—this package will ensure that any family that pays taxes and earned at least $3000 last year, will get a $300 rebate per child.

The bill provides refundable child tax credit rebates to approximately 34.2 million children. Families with children will receive a total of $21.8 billion in refundable rebates, including $9.8 billion specifically in refundable child tax credits.

It is long past time we finally recognize that the child tax credit should be available to all families, including those who serve in the military.

With the economy in so much difficulty, this is the right approach—immediate, focused on those who need resources and who will spend it. Unlike previous efforts to stimulate the economy, this package is focused on the

middle class and provides real, not token relief. That includes $28 billion in tax relief for 35 million families who work but make too little to pay income taxes—families who otherwise would not have been included in this recovery effort, more than 19 million of them with children.

To meet our obligation, to boost our struggling economy, and provide real assistance for working and middle-class Americans, I urge a "yes" vote.

COLLEGE OPPORTUNITY AND AFFORDABILITY ACT OF 2007

SPEECH OF

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Ms. WOOLSEY. Mr. Chairman, I'm pleased that today the House passed H.R. 4137, the College Opportunity and Affordability Act. This bill makes great strides towards helping our Nation's students and families afford college.

The rising cost of college is making the opportunity of a quality education further and further out of reach for far too many of our students. In March, the University of California and California State system raised their tuition for the fifth time in 6 years. This year, students at a school like Sonoma State, in my district, will be required to pay nearly 10 percent more for tuition. With recent budget shortfalls in many States, including California, more increases in tuition appear to be on the horizon. The Federal Government, States, and universities need to work together to both control costs and provide better access to financial aid to ensure that everyone has the chance for a college education.

This bill will help with both college costs and financial aid for our neediest students, and that's why it's such an important bill. Through this bill, States will be encouraged to do their part in keeping college costs down, and universities will be encouraged to be more transparent with important information like projected tuition and fees and average financial aid. This will help ensure that students and their families are not caught unaware by college costs. This bill also assists our Nation's neediest students by increasing the maximum Pell Grant that can be awarded and giving more nontraditional students access to this important source of aid. In addition, this bill encourages more students to go into important fields that serve the public interest, such as teaching, nursing, and firefighting, by offering loan forgiveness in exchange for their invaluable service.

Particularly pleasing is the inclusion of three programs that I championed and which should make a real difference in the lives of our Nation's students. The first is the Patsy T. Mink Fellowships, which will provide fellowships to women and minorities to help them attain graduate degrees in underrepresented fields. This program will encourage more women and minorities to go into underrepresented fields, and at the same time, will increase the amount of women and minorities who become professors in these fields. Congresswoman Patsy Mink was my mentor and friend and was a leader on women's equality and opportunity. This program is in honor of her work on the inclusion of Title IX in the Higher Education Act and will further ensure equality in higher education.

As a former human resources manager, I know that it can be difficult to find workers to fill all the empty positions. Often, applicants don't have the necessary skills or background to fill available positions. It's critical that we find a way to provide our workforce with the skills and education to fill the gaps. That's why programs like Bridges from Jobs to Careers and Business Workforce Partnerships, which I also championed, are so important.

The Bridges from Jobs to Careers grant program will provide competitive grants to community colleges to improve remedial education by customizing programs to the career and academic goals of students and making it possible for students to move more quickly through remedial classes and to courses related to their degree, certificate program, or career. We need to help students realize the end goal of their education program. Helping schools improve remedial education will help many students get in and out of school with the skills and education they need to succeed.

The Business Workforce Partnerships grant program will encourage the development of partnerships between colleges and businesses to work together to provide workers with for-credit worksite learning opportunities and more flexible schedules. By allowing workers to work and attend school, more of them will have access to the certificates and degrees that will lead to better jobs and higher salaries. These workers will also be able to better fit the needs of our changing workforce.

Thank you, Chairmen MILLER and HINOJOSA, for your leadership on the Higher Education Reauthorization Act. I look forward to working with you and our colleagues to continue to make college more affordable for our Nation's students.

HONORING RETIRING MARILLA TOWN SUPERVISOR JOHN FOSS

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. HIGGINS. Madam Speaker, I rise today to honor and celebrate the years of faithful public service of John Foss, retiring Supervisor of the Town of Marilla.

Madam Speaker, John Foss is a lot of things, and a lot of adjectives describe him well. Intelligent, committed and focused on the continued growth and improvement of his hometown, John Foss labored hard on behalf of his constituents, and he has the results to show for it.

I have had the pleasure of knowing John way back to the mid-1990s, when as a candidate for the New York State Assembly, John welcomed me to Marilla and introduced me to dozens of his neighbors—local residents and farmers with concerns about the agricultural industry in Erie County and New York State. John's friendship was critical to me in those days and his steadfast support for our efforts to revitalize the economy of Erie County and Western New York remain important to this very day.

Madam Speaker, I ask that you join me in honoring the public service career of retiring Marilla Town Supervisor John Foss, and join me in wishing John and his entire family the very best of good luck and Godspeed as they embark upon this new chapter of their lives, active in the public affairs of the town of Marilla, but outside the formal role of Supervisor. Congratulations, John, on a job very well done.

CONGRATULATING ROCK THE BOAT ON HIS SUCCESS AT THE WESTMINSTER KENNEL CLUB DOG SHOW

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. BURGESS. Madam Speaker, I rise today to recognize the achievements of Ch. Pinecrest Orchard Hill Rock the Boat at the Westminster Kennel Club Dog Show. Rock the Boat, better known as Rocky, earned the "Best-in-Breed" title among the Cavalier King Charles Spaniels on Tuesday, February 12, 2008, for the second consecutive year.

Cavalier King Charles Spaniels are a part of the toy group, which encompasses twenty-three breeds. The Westminster Kennel Club Dog Show, America's oldest organization dedicated to the sport of purebred dogs, limits entry to 2,500 dogs. Rocky won best-in-breed in his category after going up against a field of thirty-five entrants, and was one of only 169 dogs to receive this honor for 2008.

This triumph is the most recent in a string of successes for Rocky and his owners. In his brief show career, Rocky has accumulated six all-breed Best in Show wins, over thirty Toy Group wins, seven Specialty Best of Breed wins and eight Best in Show wins at the Cavalier King Charles Spaniel Club, USA Specialties, making him the American Kennel Club's #1 Cavalier. His list of achievements is only made more impressive by the fact that he is not yet three years old.

I extend my sincere congratulations to Rocky, as well as his breeder, owners, and trainer, for his many impressive accomplishments. It is an honor to have such a celebrated canine reside in the 26th District of Texas. I look forward to seeing what the future brings for the talented Rocky.

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Ms. LORETTA SANCHEZ of California. Madam Speaker, on Wednesday, January 23, 2008, I was unavoidably detained due to a prior obligation. I would like to make a correction to my earlier explanation of my missed votes on January 23, 2008.

Had I been present and voting, I would have voted as follows:

(1) Rollcall No. 21: "yes." On Ordering the Previous Question.

(2) Rollcall No. 22: "yes." On Motion to Pass H.R. 3963, the objections of the President to the contrary notwithstanding.

EXPRESSING THE CONDOLENCES OF THE HOUSE OF REPRESENTATIVES ON THE DEATH OF THE HONORABLE TOM LANTOS, A REPRESENTATIVE OF THE STATE OF CALIFORNIA

SPEECH OF

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Ms. DEGETTE. Madam Speaker, Representative TOM LANTOS (D–CA) was the personification of America at her best. During his nearly 28 years in office, TOM was a champion for human rights and social justice around the world. As Chairman of the House Foreign Affairs Committee and co-founder of the Congressional Human Rights Caucus, TOM was dedicated to securing the freedom and liberty he treasured for all people.

Born in Budapest, Hungary, TOM was a member of the anti-Nazi resistance movement and escaped Nazi labor camps twice. The war took most of his family and with the help of a brave Hungarian diplomat, he and his wife, Annette, arrived in America penniless with little aside from painful memories of the war, and an unparalleled determination to prevent the repetition of the atrocities he had seen.

After winning election to the House in 1980, TOM quickly showed himself to he an undisputed authority on foreign policy. His eloquence and passion made him a natural leader as he forged alliances where no one else could. In accord with his commitment to human rights, he was one of the first to sound the alarm on the ethnic killings in Dafur. And he was one of five members of Congress arrested for protesting outside the Sudanese Embassy.

Representative TOM LANTOS is survived by his wife of nearly 58 years, their two daughters and 18 grandchildren. His daughter Annette and her beautiful family are constituents of mine as well as personal friends. My condolences go out to her, TOM's other daughter Katrina and his beautiful wife, Annette. TOM LANTOS will he remembered for his courage, inspiration and compassion. TOM, we all loved and respected you. We will continue your ceaseless fight to keep America true to her conscience.

RECOGNITION OF CATHY TRAVIS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I would like to bring to the attention of my colleagues the contributions of a great public servant, Cathy Travis, on the occasion of her retirement from the staff of Congressman SOLOMON ORTIZ and the House of Representatives. On January 1, 2008, after more than 25 years on the Hill, Cathy retired from her position as the senior advisor to Congressman ORTIZ.

Through her dedication and diligence, Cathy also enabled me to maximize my efficiency as the chairwoman of the Texas Democratic congressional delegation. For that, I am grateful.

A native of Jonesboro, Arkansas, Cathy graduated from Arkansas State University with a bachelor's degree in public relations and an emphasis in political science. Politics always fascinated her, and after graduation, she went to work for former Congressman Bill Alexander (D-Arkansas) as a press assistant. She also worked on the floor of the House of Representatives, for the Office of the House Majority Whip, and on numerous political campaigns. She performed all assignments with a sense of humor, a sense of duty and above all, a sense of patriotism.

Since the early 1990s, Cathy Travis saw a need for more educational tools to give the American people a better understanding of how our Government works and the fundamental rights accorded by the Constitution. Thus was born her book, Constitution Translated for Kids, an accessible translation of the document that serves as the foundation of the United States Government. The original text is paired side-by-side with a kid-friendly interpretation to pique interest and stimulate further discussion of American liberties. It also includes a discussion of proposed amendments to the Constitution that have been strongly debated, and a detailed explanation on the separation of powers.

Cathy Travis is a dedicated American in the finest tradition, and this institution will greatly miss her.

IN HONOR OF GEORGE HOWELL

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. FARR. Madam Speaker, I rise today to honor a father, husband, and soldier who made the ultimate sacrifice in service of the Nation. U.S. Army PFC George Howell was from the small rural central California community of Prunedale. He was a humble man who devoted his life to his family.

George enlisted into the Army in June 2007, and was deployed to Iraq in September 2007, where he fought valiantly as an infantry soldier in the 10th Mountain Division. He fought not only to give freedom to the people of Iraq, but to offer a better life to his family. He was a soldier who rose to defend his country and a young father who rose to provide for his young children. He dedicated his life so that others can live in a future filled with hope.

On December 21, 2007, George was fatally wounded when his unit was attacked while on patrol in northern Iraq. He was laid to rest with full military honors at Arlington National Cemetery on January 25. 2008. George was awarded a Purple Heart and the Army Service Ribbon for his courageous service. These awards depict the greatness of this fine soldier and symbolize the sincere gratitude of this country. Moreover, George's life has inspired the lives of others and has united a community. This soldier, father, and husband shall he remembered for his caring, altruistic life.

Held closest to George's heart is the love and support of his wife. and partner, Kristen, and his two young children, Niya, Raiden, and his yet to be born child. His dream and lifework was his family, and he fought to offer them a life filled with limitless opportunity. In the future, his family will experience the dream their father has waiting for them.

Madam Speaker, I know that I speak for the whole House in extending our deepest sympathies to PFC George Howell's family. While we praise his service and sacrifice for his country, we must never forget the deep personal tragedy of a wife losing her husband and of children losing their father. They are all great American heroes who deserve this Nation's recognition, gratitude, and support.

IN COMMEMORATION OF THE DAY OF REMEMBRANCE

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Ms. SOLIS. Madam Speaker, I rise today to pay tribute to the 66th anniversary of the National "Day of Remembrance."

I am proud to be a member of the Congressional Asian Pacific Islander American Caucus and to represent a large number of individuals of Japanese descent in the 32nd District.

The internment of Japanese Americans during World War II is one of our government's most shameful actions. Families were ripped from their homes and communities, even while many Japanese citizens served in the U.S. armed forces in World War II.

We cannot sit back and allow similar civil and human rights violations unfold before our eyes. We must remember that any oppression, any injustice, any hatred, is a wedge designed to attack our civilization.

We must remember, and more importantly, we must learn from our past.

SMITHSONIAN FREE ADMISSION ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Ms. NORTON. Madam Speaker, today, I introduce the Smithsonian Free Admission Act to reinforce 160 years of consistent Smithsonian policy, admitting the public to all permanent exhibits without charge. That policy is embodied in the original intent of the founder's gift to the federal government that the Smithsonian be established to increase the knowledge of the public. The first bill establishing the Smithsonian, introduced by Senator William C. Preston on February 17, 1841, stated explicitly that the Smithsonian would "preserve and exhibit with no fee all" works of art and science. This intent and tradition was interrupted by the Board of Regents with the casual comment that this would be the first time admission fees would be charged and was done without notice to anyone when the Regents voted, on January 29. 2007, to institute the first fees in the history of the Smithsonian. The Congress and not the Regents should decide so basic a policy, especially when it departs from longstanding public policy. The admission fee sets a precedent for future permanent exhibits and makes it impossible to deny the other Smithsonian entities the same privilege and may encourage other Smithsonian entities to structure their exhibits to fit the Butterfly Pavilion model.

Legislation, therefore, has become necessary and urgent as the Butterfly Pavilion is set to open on February 14, 2008. Although the Smithsonian has previously charged fees for films and shows, such as IMAX films, the National Air and Space Museum's Planetarium, and the National Zoo's Christmas Light special, the Butterfly Pavilion marks the first time admission fees are charged for a permanent exhibit.

The Smithsonian Institution had an estimated 24.2 million visitors in 2007. The huge number of visitors who come to the Smithsonian's 17 museums and art galleries shows that there are untapped sources of revenue from appreciative Americans and others if the Smithsonian had a first-rate private fundraising effort similar to that of the great museums in this country and worldwide. Our previously introduced bill, H.R. 4098, The Smithsonian Modernization Act of 2007, addresses the Smithsonian's shallow fundraising capacity by restructuring and expanding the Smithsonian Board of Regents from a board almost half of whom are public officials to a board consisting solely of private sector citizens with greater fundraising capacity and experience.

Today the Smithsonian's traditional free access to exhibits is under attack, chiefly because of the $2 billion dollar infrastructure backlog. However, the fundraising capability of the Smithsonian infrastructure is clear in the recent opening of the National Portrait Gallery, according to Congressional Research Service (CRS) RL 33560, donors contributed funds for the new auditorium and roof over the courtyard.

The Smithsonian Modernization Act, not admission fees, provides the most realistic vehicle to raise funds for the Smithsonian without cost to the government or to the public. The Smithsonian has long prided itself on "free access" according to the CRS. Admission fees can bring only a token amount. Admission fees are not the answer for American taxpayers, who have already paid through the 70% that the federal government already contributes to this public institution. Federal taxpayers don't expect to pay again through a admission fee to a federally financed institution.

INTRODUCTION OF H.R. 5268, TO PROVIDE A TEMPORARY INCREASE IN FEDERAL MEDICAID ASSISTANCE PERCENTAGE UNDER THE MEDICAID PROGRAM TO STATES

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. DINGELL. Madam Speaker, last week I, with my colleagues Representatives FRANK PALLONE and PETER KING, introduced H.R. 5268, legislation that would provide immediate fiscal relief to States through Medicaid. The States of our Nation and the healthcare safety net are simultaneously facing a crisis. This is not the time for the Federal Government to turn its back. In addition to the broader economic stimulus package that we have approved, it is urgent that we provide States with resources to meet growing healthcare demands.

In 2003, during the last economic downturn, the Federal Government provided fiscal relief to States by increasing Federal Medicaid payments during five quarters. The increased Federal Medicaid payments helped States meet increased demand for Medicaid coverage and successfully fought off many additional and more extensive reductions in healthcare for poor children, the disabled, pregnant women and the elderly who depend on Medicaid health coverage. If the economic downturn continues, States will once again be forced to deny people Medicaid coverage and or reduce Medicaid payments to healthcare providers unless some relief is provided.

If we do not act, the decreased ability to provide health care could mean even more job losses, further exacerbating the economy. According to a 2005 study, for every $1 million of State funds invested in Medicaid, 33 new jobs and $1.23 million in new wages are generated in a year. In 2003, a Republican Congress and President agreed to the temporary increase in Medicaid payments. It was enacted through a number of bipartisan votes. We must once again come together to deliver as we did before. We need to move quickly to strengthen Medicaid, before the effects of a slowing economy cause people who need health care to he turned away.

HONORING ROB COGORNO

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Rob Cogorno on his 25 years of service to this body.

Rob, I am one of the new folks around here, but in my relatively brief tenure, I have come to appreciate and have great respect for all the floor staff who keep this place running as smoothly as possible . . . especially in a room filled with wall-to-wall politicians.

You've been a great quarterback for the floor staff, and I wish you all the best. Thank you for your service.

HONORING RETIRING WEST SENECA TOWN COUNCILMAN CHRISTOPHER OSMANSKI

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. HIGGINS. Madam Speaker, today I rise to honor Christopher Osmanski, retiring councilman from the great town of West Seneca.

I have known Chris and his family for many years and I am proud to honor his dedication to effective public service for the residents of the Town of West Seneca. Few public officials love their town the way in which Christopher Osmanski does, and his public acts have always had the intention of making life in the town of West Seneca better for those so fortunate enough to live there.

While Chris's official service has come to an end, it is a virtual certainty that he will remain active in local civic affairs. That is a good thing, for the town of West Seneca is better for the active public service of individuals like Christopher Osmanski.

I want to thank you, Madam Speaker, for offering me this opportunity to honor the public service of retiring Town of West Seneca Councilman Christopher Osmanski, and I hope that you will join me in offering to Mr. Osmanski this Congress's best wishes of good fortune and Godspeed in all of his future endeavors.

HONORING W.D. LEWIS FOR "CITIZEN OF THE YEAR" AWARD

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. HENSARLING. Madam Speaker, today I rise to recognize community leader W.D. Lewis for being named "Citizen of the Year" by the Chandler-Brownsboro Chamber of Commerce.

A veteran of World War II and the Korean war, Mr. Lewis occupies his time today volunteering in his community. In addition to being an active member of the Kiwanis Club, Mr. Lewis mentors children at Brownsboro Intermediate School and helps the court appointed special advocates provide Christmas gifts to children. Last year, he raised enough money to give Bibles to 192 children.

Since moving to Brownsboro over two decades ago, Mr. Lewis has been a member of Leagueville Baptist Church and the Texas Freshwater Fisheries Center.

Madam Speaker, on behalf of the Fifth District of Texas, I am honored to recognize Mr. Lewis for generously offering his time and talents to serve his community and for being selected "Citizen of the Year."

EXPRESSING THE CONDOLENCES OF THE HOUSE OF REPRESENTATIVES ON THE DEATH OF THE HONORABLE TOM LANTOS, A REPRESENTATIVE OF THE STATE OF CALIFORNIA

SPEECH OF

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mr. WOLF. Madam Speaker, I rise today to honor the memory of Congressman TOM LANTOS, our beloved friend and colleague, who passed away on Monday morning from esophagus cancer.

Believers in human rights and oppressed peoples around the world have suffered a terrible blow with the loss of TOM LANTOS. He was a tireless champion for those suffering oppression and violence and discrimination, and the world is quite simply a more painful place with his passing. Every time a human rights issue came up on the House floor, TOM was always there, speaking out for the voiceless.

TOM's experiences escaping Nazi concentration camps twice as a teenager and losing most of his immediate family in the carnage of the Holocaust cultivated in him a unique sensitivity to suffering. His compassion

and willingness to stand up for what is right was a constant inspiration to me, both in our work in the House of Representatives and in our co-chairmanship of the Congressional Human Rights Caucus. He was a hero in the eyes of so many, and his loss will be felt acutely by all of us.

I extend my most sincere condolences to TOM's family, and I encourage my colleagues to take up the torch with which TOM illuminated the world's darkest corners.

CONGRATULATIONS TO THE LEADERSHIP OF ELEPHANT BUTTE

HON. STEVAN PEARCE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. PEARCE. Madam Speaker, I rise today to recognize the great accomplishments of leaders of Elephant Butte, New Mexico. Mayor Bob Barnes, Councilor Adrienne Podlesny, and Councilor John Van Gundy truly care about the city of Elephant Butte. Each proudly served since the city was incorporated and are so dedicated they worked out of their homes until the city had an office.

Councilor John Van Gundy served on a planning board for the first 2 years after the city was incorporated then became elected to the council and has now served 8 years.

Both Mayor Barnes and Councilor Podlesny have both worked for the city for 10 years, and Mayor Barnes in fact became the first and only mayor of Elephant Butte.

Through their tireless work and dedication, these individuals have made countless contributions to the community of Elephant Butte. Their legacy of diligent work includes improving city parks, developing a waste water system, and incorporating the city. Other accomplishments include widening and paving city streets, building an addition to the fire department, and numerous other improvements.

The progress and growth of Elephant Butte can be attributed to the diligent hard work of these 3 individuals. I know the people of Elephant Butte have gained many more opportunities and are now able to live better lives because of the leadership and hard work of Mayor Barnes and Councilors Van Gundy and Podlesny. I want to congratulate each of them for their achievements and wish them the best of luck in their future.

HONORING STANLEY RONDA, JR.

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Ms. KAPTUR. Madam Speaker, I rise today to recognize Stanley Ronda, Jr., of Toledo, Ohio.

It is with the deepest appreciation that I pay tribute to the long life of a good, patient, and kind man, Stanley Ronda, Jr. He lived his years in service to his family, friends, and our Toledo community. Coming from the working class and of Polish-American heritage, he graduated college in architecture in an era when that was a rare achievement for a family of their means. Stan was a path breaker.

He was always generous with his company, his conversation and his artistic creations. He greeted every person with a broad smile and a laugh. He was an engaging conversationalist and a patient teacher, too. He labored to transfer his considerable skills in calligraphy, architectural drafting, and model building to all who expressed an interest.

For decades, he worked for the City of Toledo in the Toledo Lucas County Planning Commissions, from where he retired. I can still see him bent over his light table in the Huron Building preparing the architectural and subdivision drawings for cases pending before the Commission. He reported to work every day, always wearing a white, long-sleeved shirt and held standards of military precision.

Once, when we worked together on a project, we were assigned to field check and map all of Monclova Township, Ohio. That is 16,000 acres. Stan and I worked on that for days. I hold many precious memories of Stan during that laborious effort.

Stan never asked anything for himself. He was always creating lovely-original works for others such as mailings at the holidays or special occasions. Each was carefully drawn and colored with his signature logo was at the lower left corner—a miniature version of him sitting at his drawing table. At Christmas, his logo would wear a tiny Santa hat. On his own initiative, Stan drew many beautiful renderings of landmark structures in Toledo. When I was elected to office, I commissioned Stan to do a rendering of historic churches of Toledo. He gladly accepted and this framed achievement always hangs in our Congressional office.

Though Stan became more fragile with years, he never, ever complained. He always welcomed a visitor with that same open smile. Stan revered the time he witnessed developments of downtown Toledo like the Maumee River Crossing Bridge, the new Ferry Landing, the future Marina District and the Mud Hens. He was overjoyed that day to view his hometown, to which he had dedicated his working years, building forward.

May God welcome Stan home; a good and faithful servant. May He shower him royally with blessings into eternity and bestow upon him a loving peace.

IN REMEMBRANCE OF DR. HARRY JEFFREY

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. ROYCE. Madam Speaker, I rise today to commemorate the 71st anniversary of the birth of Dr. Harry Palmer Jeffrey, Jr.

Dr. Jeffrey obtained his bachelor's degree at Dartmouth College in 1959, his master's degree at Ohio State University in 1961 and his Ph.D. at Columbia University in 1973.

In Congress, he worked for Representatives John Heinz, Paul Schenck, William McCulloch and Senator John Bricker. He served in the White House for the Lyndon Johnson and Richard Nixon Administrations, and met every President of the United States from Herbert Hoover to Bill Clinton.

Dr. Jeffrey ran for office twice. He won the Ohio State GOP primary for the State Legislature in 1960, but lost in the general election. And in 1976, he unsuccessfully sought the GOP nomination for California's 40 District, which I now serve.

He was one of my professors when I was in college at California State University, Fullerton. He taught U.S. history and we used to debate on many issues, which helped to form my political views. He was also the faculty sponsor of my College Republican Club. We stayed in touch for all these years. In fact just recently, I visited his class at Soka University.

Dr. Jeffrey passed away November 4, 2007, and is survived by his wife, Mee-Young, his son, Robert, his step-daughter, Clara, sisters, Julie & Susu, and grandchildren, Marieke & Lex.

Please join me in remembering and honoring Dr. Jeffrey for a life spent dedicated to his family and community.

HONORING RETIRING CHEEKTOWAGA TOWN SUPERVISOR JAMES J. JANKOWIAK

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. HIGGINS. Madam Speaker, I rise today to honor James J. Jankowiak, who concluded decades of faithful public service by serving one year as Supervisor of the most populous town in the 27th Congressional District, the great town of Cheektowaga.

Jim Jankowiak is, above almost anything else, a man of the people. Jim is a regular guy who worked hard, loved his family and his community, and did everything he could to give back to that community he loved so well. From his career beginnings in the highway garage to his career as the most effective Parks Commissioner in the history of Erie County government, Jim Jankowiak consistently led by example, and the taxpayers of each respective jurisdiction within which he served were better for it.

Jim's service on the local level—first as Chairman of the town's Democratic Committee and later as a Councilman and finally Supervisor, demonstrates clearly his love for the town in which he lived his life. Where I come from—in South Buffalo, NY—we like to say that we're a community of neighborhoods; South Cheektowaga is no different. Differentiated as it is by parishes or by fire districts, it's still a collection of neighborhoods, and Jim Jankowiak is, at heart, a kid from the neighborhood—and he never forgot from whence he came. That's high praise.

Madam Speaker, I ask that you join me in honoring and congratulating Jim Jankowiak upon the conclusion of his official service to the taxpayers of the town of Cheektowaga. I know that you join me and the rest of our colleagues in wishing Jim, his wife Donna and their entire family the very best of good luck and Godspeed in the months and years to come.

DIRECT GRADUATE MEDICAL EDUCATION PAYMENTS UNDER THE MEDICARE PROGRAM

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. PASCRELL. Madam Speaker, I rise today to introduce legislation, with my friend and colleague Congressman RON LEWIS, which will bring equity to an unjust Medicare compensation formula currently used to reimburse teaching hospitals.

Under current law, Medicare uses an antiquated formula to determine payments for hospitals with Direct Graduate Medical Education, DGME, programs designed to educate and train physicians. The formula, which was created in the 1980s no longer serves as an accurate reflection of the actual costs of operating training programs in the 21st century.

Currently, more than 600 hospitals that train physicians are paid less than the national average, meaning that Medicare pays less than its fair share for the costs of educating doctors in these hospitals. In my home State of New Jersey alone, teaching hospitals have lost about $6.9 million.

The current system stymies these hospitals' ability to train a workforce sufficient to care for the growing Medicare population.

Despite congressional efforts in 1999 and 2001 to make incremental improvements in DGME payments, hospitals still receive only 85 percent of the cost of the national average that teaching hospitals incur today for operating costs.

Bringing the effort to fruition, this legislation requires Medicare to at least pay the average cost of operating a training program. It would increase the DGME payment—for hospitals whose historical costs are less than the national average—to 100 percent of the national average per resident amount.

The floor should be increased to the national average so no hospitals receive less than Medicare's fair share of the costs of operating a medical education program. This bill does not affect hospitals whose historical costs are above the national average.

I have introduced this measure in the interest of America's hospitals, medical students, and the Medicare patients who will one day depend on their doctors to have the highest level of training and expertise.

As it stands now, hundreds of teaching hospitals are being reimbursed by Medicare at an inadequate level for their work in training America's doctors of tomorrow. Too many hospitals, students, and patients are depending on us to equip teaching hospitals with the financing they need to produce a corps of well trained, experienced physicians.

Without it, I am concerned that these unsustainable losses are a real threat to the future of this nation's healthcare infrastructure.

I urge my colleagues to join me in cosponsoring this legislation to provide a DGME level that accurately reflects of the actual costs of operating physician training programs in the 21st century.

RICHARD HATCHER

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. VISCLOSKY. Madam Speaker, it is with great honor and pleasure that I stand before you today to honor one of northwest Indiana's most distinguished and honorable citizens. I have known the Honorable Richard Hatcher for many years, and he is one of the most influential citizens I have ever known, especially when it comes to the progress he made for residents of northwest Indiana and the entire United States. Forty years ago, Richard was elected mayor of Gary, Indiana, and in doing so, he, along with the late Carl Stokes of Cleveland, Ohio, became the first African American individuals elected to serve as mayors of major metropolitan areas. Since this time, Richard has been a constant fixture in not only Gary, but throughout northwest Indiana. Today, as we celebrate this significant event in our Nation's history, we reflect on the magnitude of his election and the progress that has been achieved since that time. In Mayor Hatcher's honor, as well as in honor of Carl Stokes, a celebration will be taking place on Saturday, February 23, 2008, at the Genesis Convention Center in Gary, Indiana.

Richard Gordon Hatcher was born on July 10, 1933, in Michigan City, Indiana. Following his graduation from high school, Richard went on to complete his bachelor of science degree in business and government at Indiana University. Subsequently, he also earned his bachelor of law and juris doctorate degrees from Valparaiso University. After completing law school, Richard relocated to Gary and began practicing law in East Chicago, Indiana. This was the beginning of his remarkable legal career, which included service as a deputy prosecutor for Lake County, Indiana. From there, his political career began when he was elected to the Gary City Council. Then, in 1967, he was elected mayor of Gary, the office he would hold for an astonishing 20 years.

Throughout his political career, Richard was always involved with various commissions and councils, including: the United States Conference of Mayors, for which he served as a member of the executive board and as vice president and president of the conference, the National League of Cities, the National Conference of Black Mayors, for which he was elected its first president, the National Urban Coalition, and the National Black Caucus of Local Elected Officials, for which he served 4 years as president. He also received Presidential appointments to serve on two commissions: the United States Advisory Commission on Intergovernmental Relations and the United States Commission on Education. Richard has also had a great impact on American society through his involvement with several civil rights organizations, both locally and nationally, including: the National Association for the Advancement of Colored People (NAACP), the Urban League of Northwest Indiana, TransAfrica, the National Civil Rights Hall of Fame, the Martin Luther King Center for Non-Violent Social Change, and the Operation PUSH/Rainbow Coalition.

Throughout his illustrious career, Richard has been honored time and time again for his dedication and steadfast efforts in improving the quality of life for all people. To name a few of his accolades, Richard was honored in 1974, by Time magazine as one of the "200 Outstanding Young Leaders in the United States," as well as one of the "100 Most Influential Black Americans" by Ebony magazine. He was also awarded the "President's Award" by the National League of Cities in 1987, the "Adam Clayton Powell Award" by the Congressional Black Caucus in 1977, the Operation PUSH "Award of Excellence" in 1980, and the Roy Wilkens Award from the NAACP in 1989. In addition, he has been honored with the "Urban Leadership Award" by the Indiana Association of Cities and Towns, the "Distinguished Mayor Award" by the National Urban Coalition, and the "Fannie Lou Hamer Freedom Award" from the National Conference of Black Mayors.

Madam Speaker, through his election as mayor of Gary in 1967, Richard Hatcher has been a cornerstone in the building of a better America. He has continued his efforts toward progress through the many ways he has selflessly given his time and efforts to the people of Gary, northwest Indiana, and beyond. At this time, I ask that you and all of my distinguished colleagues join me in commending him, as well as the late Carl Stokes, on their 40th anniversary of this significant event in our Nation's history, as well as for his lifetime of service and dedication to his community.

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, February 14, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 21

10 a.m.
Judiciary
To hold hearings to examine pending judicial nominations.
SD–226

FEBRUARY 26

9:30 a.m.
Armed Services
To hold hearings to examine the defense authorization request for fiscal year 2009 for the Department of the Army, and the future years defense program.
SH–216

10 a.m.
Energy and Natural Resources
To hold hearings to examine U.S. oil inventory policies, focusing on the Department of Energy's Strategic Petroleum Reserve Project Management Office policies.
SD–366

FEBRUARY 27

9:30 a.m.
Armed Services
To hold hearings to examine the current and future worldwide threats to the national security of the United States; with the possibiliy of a closed session in S–407 following the open session.
SD–106

9:45 a.m.
Energy and Natural Resources
To hold hearings to examine the nominations of Stanley C. Suboleski, of Virginia, to be an Assistant Secretary of Energy (Fossil Energy), and J. Gregory Copeland, of Texas, to be General Counsel, both of the Department of Energy.
SD–366

10 a.m.
Small Business and Entrepreneurship
To hold hearings to examine the President's proposed budget request for fiscal year 2009 for the Small Business Administration.
SR–428A

2:30 p.m.
Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 2229, to withdraw certain Federal land in the Wyoming Range from leasing and provide an opportunity to retire certain leases in the Wyoming Range, S. 2379, to authorize the Secretary of the Interior to cancel certain grazing leases on land in Cascade-Siskiyou National Monument that are voluntarily waived by the lessees, to provide for the exchange of certain Monument land in exchange for private land, to designate certain Monument land as wilderness, S. 832, to provide for the sale of approximately 25 acres of public land to the Turnabout Ranch, Escalante, Utah, at fair market value, S. 2508 and H.R. 903, bills to provide for a study of options for protecting the open space characteristics of certain lands in and adjacent to the Arapaho and Roosevelt National Forests in Colorado, S. 2601 and H.R. 1285, bills to require the Secretary of Agriculture to convey to King and Kittitas Counties Fire District No. 51 a certain parcel of real property for use as a site for a new Snoqualmie Pass fire and rescue station, H.R. 523, to require the Secretary of the Interior to convey certain public land located wholly or partially within the boundaries of the Wells Hydroelectric Project of Public Utility District No. 1 of DouglasCounty, Washington, to the utility district, and H.R. 838, to provide for the conveyance of the Bureau of Land Management parcels known as the White Acre and Gambel Oak properties and related real property to Park City, Utah.
SD–366

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

Intelligence
Closed business meeting to consider pending calendar business.
SH–219

FEBRUARY 28

9:30 a.m.
Armed Services
To hold hearings to examine the defense authorization request for fiscal year 2009, for the Department of the Navy, and the future years defense program; with the possibility of a closed session in SR–222 immediately following the open session.
SH–216

Energy and Natural Resources
To hold hearings to examine the impact of increased minimum wages on the economies of American Samoa and the Commonwealth of the Northern Mariana Islands.
SD–366

MARCH 5

9:30 a.m.
Armed Services
To hold hearings to examine the defense authorization request for fiscal year 2009, for the Department of the Air Force, and the future years defense program.
SH–216

MARCH 6

9:30 a.m.
Armed Services
To hold hearings to examine the defense authorization request for fiscal year 2009 for the U.S. Southern and Northern Command, and the future years defense program.
SH–216

MARCH 11

9:30 a.m.
Armed Services
To hold hearings to examine the defense authorization request for fiscal year 2009 for U.S. Pacific Command and U.S. Forces in Korea, and the future years defense program.
SH–216

MARCH 12

2:30 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings to examine technologies to combat weapons of mass destruction.
SD–106

Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine the defense authorization request for fiscal year 2009, the future years defense program, and military installation, environmental, and base closure programs.
SR–232A

MARCH 13

2:30 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings to examine the defense authorization request for fiscal year 2009 for the Cooperative Threat Reduction Program and the Proliferation Security Initiative at the Department of Defense, and nuclear nonproliferation programs at the National Security Administration, and the future years defense program.
SR–222

Daily Digest

HIGHLIGHTS

Senate agreed to the conference report to accompany H.R. 2082, Intelligence Authorization Act.

Senate

Chamber Action

Routine Proceedings, pages S925–S992

Measures Introduced: Ten bills and four resolutions were introduced, as follows: S. 2627–2636, and S. Res. 450–453. **Page S970**

Measures Reported:

S. Res. 439, expressing the strong support of the Senate for the North Atlantic Treaty Organization to enter into a Membership Action Plan with Georgia and Ukraine. **Page S969**

Measures Passed:

Airport and Airway Extension Act: Senate passed H.R. 5270, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, clearing the measure for the President. **Pages S990–91**

250th Anniversary of the Naming of Pittsburgh: Senate agreed to S. Res. 452, commemorating the 250th Anniversary of the Naming of Pittsburgh as the culmination of the Forbes Campaign across Pennsylvania and the significance this event played in the making of America, in the settlement of the continent, and in spreading the ideals of freedom and democracy throughout the world. **Page S991**

Abraham Baldwin Agricultural College 100th Anniversary: Senate agreed to S. Res. 453, recognizing February 20, 2008, as the 100th anniversary of Abraham Baldwin Agricultural College. **Pages S991–92**

Measures Considered:

Indian Health Care Improvement Act Amendments: Senate resumed 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 S957–62**

Adopted:

By a unanimous vote of 95 yeas (Vote No. 23), Tester Amendment No. 4020 (to Amendment No. 3899), to express the sense of Congress regarding law enforcement and methamphetamine issues in Indian country. **Pages S959–60**

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 S957**

Vitter Amendment No. 3896 (to Amendment No. 3899), to modify a section relating to limitation on use of funds appropriated to the Service. **Page S957**

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 S957**

Dorgan Amendment No. 3899, in the nature of a substitute. **Page S957**

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. **Pages S957–59**

Gregg Amendment No. 4022 (to Amendment No. 3900), to provide funding for the Low-Income Home Energy Assistance Program in a fiscally responsible manner. **Pages S960–61**

Barrasso Amendment No. 3898 (to Amendment No. 3899), to require the Comptroller General to report on the effectiveness of coordination of health care services provided to Indians using Federal, State, local, and tribal funds. **Pages S961–62**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 9:30 a.m., on Thursday, February 14, 2008. **Page S992**

Intelligence Authorization Act—Conference Report: By 51 yeas to 45 nays (Vote No.22), Senate agreed to the conference report to accompany H.R. 2082, to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, clearing the measure for the President. **Pages S937–57**

During consideration of this measure today, Senate also took the following action:

By 92 yeas to 4 nays (Vote No. 21), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to proceed to consideration of the conference report to accompany the bill. **Page S937**

Appointments:

U.S.-Japan Interparliamentary Group: The Chair, on behalf of the Vice President, pursuant to Section 5 of Title I of Division H of Public Law 110–161, appointed the following Senator as Chairman of the U.S.-Japan Interparliamentary Group conference for the 110th Congress: Senator Stevens. **Page S992**

Errata Sheet—Agreement: A unanimous-consent agreement was reached providing that an errata sheet be printed with respect to Senate Report 110–259. **Page S992**

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, the report of an Executive Order blocking the property and interests in property of persons determined to have been involved in the corruption of senior officials of the Government of Syria; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–38) **Page S966**

Messages from the House: **Page S966**

Measures Referred: **Pages S966–67**

Measures Read the First Time: **Page S967**

Executive Communications: **Pages S967–69**

Executive Reports of Committees: **Pages S969–70**

Additional Cosponsors: **Pages S970–71**

Statements on Introduced Bills/Resolutions: **Pages S971–85**

Additional Statements: **Pages S965–66**

Amendments Submitted: **Pages S985–89**

Notices of Hearings/Meetings: **Page S989**

Authorities for Committees to Meet: **Page S989**

Privileges of the Floor: **Page S990**

Text of S. 2248, as Previously Passed:

Record Votes: Three record votes were taken today. (Total—23) **Pages S937, S957, S960**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 7:01 p.m., until 9:30 a.m. on Thursday, February 14, 2008. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S992.)

Committee Meetings

(Committees not listed did not meet)

WOUNDED AND ILL SERVICE MEMBERS

Committee on Armed Services: Committee concluded a hearing to examine improvements implemented and planned by the Department of Defense and the Department of Veterans Affairs for the care, management, and transition of wounded and ill military service members, after receiving testimony from Preston M. Geren, III, Secretary of the Army, David S. C. Chu, Under Secretary for Personnel and Readiness, and Lieutenant General Eric B. Schoomaker, USA, Surgeon General of the U.S. Army, all of the Department of Defense; and Gordon H. Mansfield, Deputy Secretary, and Rear Admiral Patrick W. Dunne, USN (Ret.), Assistant Secretary for Policy and Planning, both of the Department of Veterans Affairs.

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported an original bill entitled "Industrial Bank Holding Company Act of 2008".

DEPARTMENT OF THE INTERIOR BUDGET

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the President's budget request for fiscal year 2009 for the Department of the Interior, after receiving testimony from former Senator Dirk Kempthorne, Secretary of the Interior.

MEDICARE PRIVATE PLANS (PART II)

Committee on Finance: Committee concluded hearings to examine selling to seniors, focusing on the need for accountability and oversight of marketing and sales by Medicare private plans, after receiving testimony from Kerry Weems, Acting Administrator, Centers for Medicare and Medicaid Services (CMS), Department of Health and Human Services.

FOREIGN AFFAIRS BUDGET

Committee on Foreign Relations: Committee concluded a hearing to examine the President's budget request for fiscal year 2009 for foreign affairs, after receiving testimony from Condoleezza Rice, Secretary of State.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the following:

H.R. 1469, to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961, with amendments;

H.R. 2798, to reauthorize the programs of the Overseas Private Investment Corporation, with an amendment in the nature of a substitute;

S. 1418, to provide assistance to improve the health of newborns, children, and mothers in developing countries, with an amendment in the nature of a substitute;

S. 2433, 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, with amendments;

S. Res. 439, expressing the strong support of the Senate for the North Atlantic Treaty Organization to enter into a Membership Action Plan with Georgia and Ukraine; and

The nominations of James K. Glassman, of Connecticut, to be Under Secretary of State for Public Diplomacy with the rank of Ambassador, Goli Ameri, of Oregon, to be Assistant Secretary of State for Educational and Cultural Affairs, David J. Kramer, of Massachusetts, to be Assistant Secretary of State for Democracy, Human Rights, and Labor, James Francis Moriarty, of Massachusetts, to be Ambassador to the People's Republic of Bangladesh, Margaret Scobey, of Tennessee, to be Ambassador to the Arab Republic of Egypt, Deborah K. Jones, of New Mexico, to be Ambassador to the State of Kuwait, Hector E. Morales, of Texas, to be Permanent Representative of the United States of America to the Organization of American States, with the rank of Ambassador, Larry Woodrow Walther, of Arkansas, to be Director of the Trade and Development Agency, Jeffrey J. Grieco, of Virginia, to be an Assistant Administrator of the United States Agency for International Development, John E. Osborn, of Delaware, to be a Member of the United States Advisory Commission on Public Diplomacy, Elizabeth F. Bagley, of the District of Columbia, to be a Member of the United States Advisory Commission on Public Diplomacy, William J. Hybl, of Colorado, to be a Member of the United States Advisory Commission on Public Diplomacy, Mark McKinnon, of Texas, Joaquin F. Blaya, of Florida, Edward E. Kaufman, of Delaware, Susan M. McCue, of Virginia, Dennis M. Mulhaupt, of California, and Steven J. Simmons, of Connecticut, each to be a Member of the Broadcasting Board of Governors, and Ana M. Guevara, of Florida, to be United States Alternate Executive Director of the International Bank for Reconstruction and Development.

DEPARTMENT OF DEFENSE HOMELAND SECURITY ROLE

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the role of the Department of Defense in homeland security, focusing on ways the military can and will contribute, after receiving testimony from Major General Arnold L. Punaro, USMCR (Ret.), Chairman, and Lieutenant General James E. Sherrard III, USAFR (Ret.), and Major General E. Gordon Stump, ANG (Ret.), both Commissioners, all of the Commission on the National Guard and Reserves.

FAMILY AND MEDICAL LEAVE ACT

Committee on Health, Education, Labor, and Pensions: Subcommittee on Children and Families concluded a hearing to examine the Family and Medical Leave Act (FMLA)(P.L. 103–3), focusing on a fifteen year history of support for workers, after receiving testimony from Victoria A. Lipnic, Assistant Secretary of Labor for the Employment Standards Administration; Debra Ness, National Partnership for Women and Families, Marcel Reid, Association of Community Organizations for Reform Now (ACORN), and Kristen Grimm, Spitfire Strategies, all of Washington, D.C.; and Katheryn Elliott, Central Michigan University Employee Relations, Mount Pleasant, on behalf of the Society for Human Resource Management (SPHR).

NOMINATIONS

Committee on the Judiciary: On Tuesday, February 12, committee concluded a hearing to examine the nominations of James Randal Hall, to be United States District Judge for the Southern District of Georgia, who was introduced by Senators Chambliss and Isakson, Richard H. Honaker, to be United States District Judge for the District of Wyoming, who was introduced by Senators Enzi and Barrasso, Gustavus Adolphus Puryear IV, to be United States District Judge for the Middle District of Tennessee, who was introduced by Senators Alexander and Corker, and Brian Stacy Miller, to be United States District Judge for the Eastern District of Arkansas,

who was introduced by Senators Lincoln and Pryor, after the nominees testified and answered questions in their own behalf.

FEDERAL COCAINE SENTENCING LAWS

Committee on the Judiciary: On Tuesday, February 12, Subcommittee on Crime and Drugs concluded a hearing to examine federal cocaine sentencing laws, focusing on reforming the 100-to-1 crack/powder disparity, including S. 1383, to reduce the disparity in punishment between crack and powder cocaine offenses, to more broadly focus the punishment for drug offenders on the seriousness of the offense and the culpability of the offender, S. 1685, to reduce the sentencing disparity between powder and crack cocaine violations, and to provide increased emphasis on aggravating factors relating to the seriousness of the offense and the culpability of the offender, and S. 1711, to target cocaine kingpins and address sentencing disparity between crack and powder cocaine, after receiving testimony from Gretchen C. Shappert, United States Attorney, Western District of North Carolina, Department of Justice; Ricardo H. Hinojosa, Chair, United States Sentencing Commission; Nora D. Volkow, Director, National Institute on Drug Abuse, National Institutes of Health, Department of Health and Human Services; Reggie B. Walton, Judge, United States District Court for the District of Columbia, on behalf of the Judicial Conference of the United States; and James E. Felman, American Bar Association, Washington, D.C.

STATE SECRETS PRIVILEGE

Committee on the Judiciary: Committee concluded a hearing to examine the state secrets privilege, focusing on protecting national security while preserving accountability, including S. 2533, to enact a safe, fair, and responsible state secrets privilege Act, after receiving testimony from Carl J. Nichols, Deputy Assistant Attorney General, Civil Division, Department of Justice; Patricia M. Wald, former Chief Judge, U.S. Court of Appeals for the District of Columbia Circuit, Washington, D.C.; Louis Fisher, Specialist in Constitutional Law, Law Library, Library of Congress; Robert M. Chesney, Wake Forest University School of Law, Winston-Salem, North Carolina; and Michael A. Vatis, Steptoe and Johnson LLP, New York, New York.

VETERANS PROGRAMS BUDGET

Committee on Veterans' Affairs: Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2009 for veterans programs, after receiving testimony from James B. Peake, Secretary of Veterans Affairs; Carl Blake, Paralyzed Veterans of America (PVA), Fredericksburg, Virginia; Raymond C. Kelley, American Veterans (AMVETS), Lanham, Maryland; John Rowan, Vietnam Veterans of America (VVA), Middle Village, New York; and Kerry Baker, Disabled American Veterans (DAV), Christopher Needham, Veterans of Foreign Wars of the United States (VFW), and Peter S. Gaytan, American Legion, all of Washington, D.C.

FORECLOSURE AFTERMATH

Special Committee on Aging: Committee concluded a hearing to examine the housing foreclosure aftermath, focusing on concerns for elderly homeowners, after receiving testimony from Peggy Twohig, Associate Director, Division of Financial Practices, Federal Trade Commission; Thomas E. Perez, Maryland Department of Labor, Licensing, and Registration, Baltimore; Walter Malone, Malone and Malone Construction, Washington, D.C.; Catherine M. Doyle, Legal Aid Society of Milwaukee, Inc., Milwaukee, Wisconsin; John W. Anderson, Twin Oaks Realty, Minneapolis, Minnesota, on behalf of the National Association of Realtors; and Rachel M. Dollar, Smith Dollar, PC, Santa Rosa, California, on behalf of the Mortgage Bankers Association.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 32 public bills, H.R. 5404–5435; 1 private bill, H.R. 5436; and 9 resolutions, H. Con. Res. 293–296; and H. Res. 979–981, 984–985 were introduced.

Pages H942–43

Additional Cosponsors: Pages H943–44

Reports Filed: Reports were filed today as follows:

H. Res. 982, providing for the adoption of the resolution (H. Res. 979) recommending that the House of Representatives find Harriet Miers and Joshua Bolten, Chief of Staff, White House, in contempt of Congress for refusal to comply with subpoenas duly issued by the Committee on the Judiciary and for the adoption of the resolution (H. Res. 980) authorizing the Committee on the Judiciary to

initiate or intervene in judicial proceedings to enforce certain subpoenas (H. Rept. 110–526) and

H. Res. 983, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules and providing for consideration of motions to suspend the rules (H. Rept. 110–527). **Page H941**

Chaplain: The prayer was offered by the guest Chaplain, Rev. Chad Eaton, Biltmore Baptist Church, Arden, North Carolina. **Page H873**

Motion to Adjourn: Rejected the Blackburn motion to adjourn by a yea-and-nay vote of 3 yeas to 366 nays, Roll No. 46. **Pages H876–77**

Motion to Adjourn: Rejected the Hastings (WA) motion to adjourn by a yea-and-nay vote of 7 yeas to 364 nays, Roll No. 47. **Pages H877–78**

Motion to Adjourn: Rejected the Hastings (WA) motion to adjourn by a yea-and-nay vote of 3 yeas to 395 nays, Roll No. 52. **Pages H886–87**

Extending the Protect America Act of 2007 for 21 days: The House failed to pass H.R. 5349, to extend the Protect America Act of 2007 for 21 days, by a recorded vote of 191 ayes to 229 noes, Roll No. 54. **Pages H887–92, H901–07**

Agreed to table the appeal of the ruling of the chair on a point of order sustained against the Smith (TX) motion to recommit the bill to the Committee on the Judiciary with instructions to report the same back to the House forthwith with an amendment, by a yea-and-nay vote of 222 yeas to 196 nays, Roll No. 53. **Pages H905–06**

H. Res. 976, the rule providing for consideration of the bill, was agreed to by a recorded vote of 206 ayes to 199 noes, Roll No. 50, and later the House agreed to table the Hastings (WA) motion to reconsider the vote by a recorded vote of 210 ayes to 195 noes, Roll No. 51. The previous question on the rule was ordered by a yea-and-nay vote of 210 yeas to 195 nays, Roll No. 48, and later the House agreed to table the Hastings (WA) motion to reconsider the vote by a recorded vote of 206 ayes to 194 noes, Roll No. 49. **Pages H877, H878–86**

Suspensions: The House agreed to suspend the rules and agree to the following measures:

Supporting the goals and ideals of National Engineers Week: H. Res. 917, to support the goals and ideals of National Engineers Week, by a 2/3 yea-and-nay vote of 408 yeas with none voting ''nay'', Roll No. 57 and **Pages H894–96, H909**

Expressing the sympathies and support of the House of Representatives for the individuals and institutions affected by the powerful tornadoes that struck communities in Alabama, Arkansas, Kentucky, Mississippi, and Tennessee on February 5th, 2008: H. Res. 971, to express the sympathies and support of the House of Representatives for the individuals and institutions affected by the powerful tornadoes that struck communities in Alabama, Arkansas, Kentucky, Mississippi, and Tennessee on February 5th, 2008. **Pages H919–22**

Suspension—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measure which was debated on Tuesday, February 12th:

Congratulating the National Football League champion New York Giants for winning Super Bowl XLII and completing one of the most remarkable postseason runs in professional sports history: H. Res. 960, to congratulate the National Football League champion New York Giants for winning Super Bowl XLII and completing one of the most remarkable postseason runs in professional sports history, by a 2/3 yea-and-nay vote of 412 yeas to 1 nay with 2 voting ''present'', Roll No. 55. **Pages H907–08**

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

Honoring African American inventors, past and present, for their leadership, courage, and significant contributions to our national competitiveness: H. Res. 966, to honor African American inventors, past and present, for their leadership, courage, and significant contributions to our national competitiveness; **Pages H892–94**

National Ocean Exploration Program Act: H.R. 1834, amended, to authorize the national ocean exploration program and the national undersea research program within the National Oceanic and Atmospheric Administration; **Pages H896–H900**

Making technical corrections to the Federal Insecticide, Fungicide, and Rodenticide Act: S. 2571, to make technical corrections to the Federal Insecticide, Fungicide, and Rodenticide Act; **Pages H900–01**

Honoring and praising the National Association for the Advancement of Colored People on the occasion of its 99th anniversary: H. Con. Res. 289, to honor and praise the National Association for the Advancement of Colored People on the occasion of its 99th anniversary; **Pages H910–12**

American Braille Flag Memorial Act: H.R. 4169, to authorize the placement in Arlington National Cemetery of an American Braille tactile flag in Arlington National Cemetery honoring blind members of the Armed Forces, veterans, and other Americans; **Pages H912–14**

Commending the people of the State of Washington for showing their support for the needs of the State of Washington's veterans and encouraging residents of other States to pursue creative ways to show their own support for veterans: H. Res. 790, to commend the people of the State of Washington for showing their support for the needs of the State of Washington's veterans and encouraging residents of other States to pursue creative ways to show their own support for veterans;

Pages H914–16

Supporting the goals and ideals of National Salute to Hospitalized Veterans Week: H. Res. 963, to support the goals and ideals of National Salute to Hospitalized Veterans Week; and **Pages H916–17**

Supporting the goals and ideals of American Heart Month and National Wear Red Day: H. Res. 972, to support the goals and ideals of American Heart Month and National Wear Red Day.

Pages H917–18

Adjournment Resolution: The House agreed to H. Con. Res. 293, providing for an adjournment or recess of the two Houses, by a recorded vote of 215 ayes to 203 noes, Roll No. 56. **Pages H908–09**

Presidential Message: Read a message from the President wherein he transmitted notification of an Executive Order with respect to the Government of Syria—referred to the Committee on Foreign Affairs and ordered printed (H. Doc. 110–95). **Page H922**

Senate Message: Message received from the Senate today appears on page H873.

Quorum Calls—Votes: Six yea-and-nay votes and six recorded votes developed during the proceedings of today and appear on pages H876–77, H877–78, H884, H884–85, H885, H885–86, H886–87, H906, H906–07, H907–08, H908–09, and H909. There were no quorum calls.

Adjournment: The House met at 10:00 a.m. and adjourned at 9 p.m.

Committee Meetings

AGRICULTURE, RURAL DEVELOPMENT, FDA APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies held a hearing on USDA Secretary. Testimony was heard from Edward Schafer, Secretary of Agriculture.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense held a hearing on DOD Budget Overview. Testimony was heard from the following officials of the Department of Defense: Gordon England, Deputy Secretary; ADM Michael Mullen, USN, Chairman, Joint Chiefs of Staff; and Tina Jonas, Under Secretary, Comptroller.

The Subcommittee also had a hearing on United States Marine Corps Readiness. Testimony was heard from the following officials of the Department of Defense: LTG James F. Amos, USMC, Deputy Commandant, Combat and Integration; and LTG John G. Castellaw, USMC, Commandant, Aviation.

HOMELAND SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Homeland Security held a hearing on Management Challenges—Inspector General and GAO. Testimony was heard from David M. Walker, Comptroller General, GAO; and Richard L. Skinner, Inspector General, Department of Homeland Security.

INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies held a hearing on U.S. Forest Service. Testimony was heard from Abigail R. Kimbell, Chief, Forest Service, USDA.

LABOR, HHS, EDUCATION, APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies held a hearing on Implications of Economic Trends for Workers, Families, and the Nation. Testimony was heard from public witnesses.

LEGISLATIVE BRANCH APPROPRIATIONS

Committee on Appropriations: Subcommittee on Legislative Branch held a hearing on Architect of the Capitol. Testimony was heard from Stephen Ayers, Acting Architect of the Capitol.

TRANSPORTATION, HUD, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation, and Housing and Urban Development, and Related Agencies held a hearing on U.S. Department of Housing and Urban Development Fiscal Year 2009 Budget Request. Testimony was heard from Alphonso R. Jackson, Secretary of Housing and Urban Development.

GLOBAL SECURITY ASSESSMENT

Committee on Armed Services: Held a hearing on Global Security Assessment. Testimony was heard from

Thomas Fingar, Deputy Director, National Intelligence for Analysis, Office of the Director of National Intelligence; Robert Cardillo, Deputy Director, Analysis, Defense Intelligence Agency, Department of Defense; and John A. Kringen, Director, Intelligence, CIA.

GLOBAL SECURITY CLEARANCE PROCESSES

Committee on Armed Services: Subcommittee on Readiness held a hearing on Readiness at Risk: Department of Defense Security Clearance Processes. Testimony was heard from Greg Torres, Director, Security, Office of the Deputy Under Secretary, Counterintelligence and Security, Department of Defense; Jack Edwards, Director, Defense Capabilities and Management Team, GAO; Kathy Dillaman, Associate Director, Federal Investigative Services Division, OPM; and a public witness.

TREASURY BUDGET FISCAL YEAR 2009

Committee on the Budget: Held a hearing on Treasury Department Fiscal Year 2009 Budget.

Testimony was heard from Henry M. Paulson, Jr., Secretary of the Treasury.

MODERN PUBLIC SCHOOL FACILITIES INVESTMENT

Committee on Education and Labor: Held a hearing on Modern Public School Facilities: Investing in the Future. Testimony was heard from Representatives Boustany, Castle, Chandler, Etheridge, Holt, Hooley, King of Iowa, and Loebsack; Kathleen J. Moore, Director, School Facilities Planning Division, Department of Education, State of California; Paul Vallas, Superintendent, Recovery School District, New Orleans, Louisiana; and public witnesses.

DIESEL EMISSIONS REDUCTION PROJECTS

Committee on Energy and Commerce: Subcommittee on Energy and Air Quality approved for full Committee action H.R. 3754, To authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects, and for other purposes.

Prior to this action, the Subcommittee held a hearing on H.R. 3754. Testimony was heard from Representative Costa; and public witnesses.

DIESEL TELEVISION TRANSITION

Committee on Energy and Commerce: Subcommittee on Telecommunications and the Internet held a hearing entitled "Status of the DTV Transition: 370 Days and Counting." Testimony was heard from Kevin J. Martin, Chairman, FCC; Meredith Baker, Acting Assistant Secretary, Communications and Information, Department of Commerce; and public witnesses.

COMMUNITY REINVESTMENT ACT

Committee on Financial Services: Held a hearing entitled "The Community Reinvestment Act: Thirty Years of Accomplishments, but Challenges Remain." Testimony was heard from Sandra F. Braunstein, Director, Division of Consumer and Community Affairs, Federal Reserve System; Sandra L. Thompson, Director, Division of Supervision and Consumer Protection, FDIC; the following officials of the Department of the Treasury: Ann Jaedicke, Deputy Comptroller, Compliance Policy, Office of the Comptroller of the Currency; and Montrice Godard Yakimov, Managing Director, Compliance and Consumer Protection, Office of Thrift Supervision; Howard F. Pitkin, Commissioner, Department of Banking, State of Connecticut; and public witnesses.

INTERNATIONAL RELATIONS BUDGET FISCAL YEAR 2009

Committee on Foreign Affairs: Held a hearing on International Relations Budget for Fiscal Year 2009. Testimony was heard from Condoleezza Rice, Secretary of State.

HOMELAND SECURITY BUDGET FISCAL YEAR 2009

Committee on Homeland Security: Held a hearing entitled "The President's FY 2009 Budget Request for the Department of Homeland Security." Testimony was heard from Michael Chertoff, Secretary of Homeland Security.

ICE INTERROGATION, DETENTION, REMOVAL ISSUES

Committee on the Judiciary: Subcommittee on Immigration, Citizenship, Refugees, Border Security and International Law held a hearing on Problems with ICE Interrogation, Detention and Removal Procedures. Testimony was heard from Gary Mead, Assistant Director, Detention and Removal, U. S. Immigration and Customs Enforcement. Department of Homeland Security; and public witnesses.

The Subcommittee also considered a private immigration bill.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Ordered reported, as amended, the following bills: H.R. 2176, To provide for and approve the settlement of certain land claims of the Bay Mills Indian Community; H.R. 4115, To provide for and approve the settlement of certain land claims of the Sault Ste. Marie Tribe of Chippewa Indians; H.R. 1143, To authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and for other purposes; H.R. 1311, Nevada Cancer Institute Expansion Act; H.R. 1922, Jupiter Inlet Lighthouse Outstanding Natural

Area Act of 2007; H.R. 816, Orchard Detention Basin Flood Control Act; and H. R 3473, Bountiful City Land Consolidation Act.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Subcommittee on Fisheries, Wildlife and Oceans approved for full Committee action the following bills: H.R. 1187, amended, Gulf of Farallones and Cordell Bank National Marine Sanctuaries Boundary Modification and Protection Act; H.R. 1907, amended, Coastal and Estuarine Land Protection Act; H.R. 2342, amended, National Integrated Coastal and Ocean Observation Act of 2007; H.R. 3352, amended, Hydrographic Services Improvement Act Amendments of 2007; H.R. 3891, To amend the National Fish and Wildlife Foundation Establishment Act to increase the number of Directors on the Board of Directors of the National Fish and Wildlife Foundation; and H.R. 4933, Captive Wildlife Safety Technical Amendments Act of 2008.

MITCHELL REPORT: ILLEGAL USE OF STEROIDS IN MAJOR LEAGUE BASEBALL

Committee on Oversight and Government Reform: Concluded hearings on The Mitchell Report: The Illegal Use of Steroids in Major League Baseball, Day 2. Testimony was heard from Roger Clemens, former Major League Baseball Player; Brian McNamee, former Strength and Conditioning Coach, Major League Baseball; and Charles Scheeler, a member of the staff of the Mitchell Commission.

FEDERAL SURPLUS PROPERTY

Committee on Oversight and Government Reform: Subcommittee on Government Management, Organization, and Procurement held a hearing on Surplus Property: Improving Donation and Sales Programs. Testimony was heard from Rebecca Rhodes, Deputy Associate Administrator, GSA; Estelle Sanders, Mayor, Roper, North Carolina; and public witnesses.

RECOMMENDING THAT THE HOUSE OF REPRESENTATIVES FIND HARRIET MIERS AND JOSHUA BOLTEN, CHIEF OF STAFF, WHITE HOUSE, IN CONTEMPT OF CONGRESS FOR REFUSAL TO COMPLY WITH SUBPOENAS DULY ISSUED BY THE COMMITTEE ON THE JUDICIARY; AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INITIATE OR INTERVENE IN JUDICIAL PROCEEDINGS TO ENFORCE CERTAIN SUBPOENAS

Committee on Rules: Granted, by a record vote of 9 to 4, a rule providing for adoption of H. Res. 979 and H. Res. 980 upon adoption of the rule. H. Res. 979 recommends that the House of Representatives find Harriet Miers and Joshua Bolten, Chief of Staff, White House, in contempt of Congress for refusal to comply with subpoenas duly issued by the Committee on the Judiciary. H. Res. 980 authorizes the Committee on the Judiciary to initiate or intervene in judicial proceedings to enforce certain subpoenas. Testimony was heard from Chairman Conyers and Representative Smith of Texas.

SAME DAY CONSIDERATION OF RESOLUTIONS REPORTED BY THE RULES COMMITTEE

Committee on Rules: Granted, by voice vote, a rule waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain rules reported from the Rules Committee. The rule applies the waiver to any rule reported on the legislative day of Thursday, February 14, 2008, providing for consideration of a bill addressing foreign intelligence surveillance.

The rule also permits consideration of motions to suspend the rules on the legislative day of Thursday, February 14, 2008, related to a bill addressing foreign intelligence surveillance.

NASA's FISCAL YEAR 2009 BUDGET

Committee on Science and Technology: Held a hearing on NASA's Fiscal Year 2009 Budget Request. Testimony was heard from Michael D. Griffin, Administrator, NASA.

SBIR MEDICAL BREAKTHROUGHS

Committee on Small Business, Subcommittee on Investigations and Oversight, hearing entitled "SBIR: Advancing Medical Breakthroughs." Testimony was heard from Jo Anne Goodnight, SBIR/STTR Coordinator, NIH, Department of Health and Human Services; and public witnesses.

TRANSPORTATION INFRASTRUCTURE FINANCING

Committee on Transportation and Infrastructure: Held a hearing on Reviewing the Recommendations of the National Surface Transportation Policy and Revenue Study Commission. Testimony was heard from Mary Peters, Secretary of Transportation; and public witnesses.

RUNWAY SAFETY

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on Runway Safety, Testimony was heard from Gerald Dillingham, Director, Physical Infrastructure Issues, GAO; Hank Krakowski, Chief, Operating Officer, Air Traffic Organization, FAA, Department of Transportation; and public witnesses.

EXPIRING ECONOMIC OPPORTUNITY PROGRAMS

Committee on Veterans' Affairs: Subcommittee on Economic Opportunity held a hearing on Review of Expiring Programs. Testimony was heard from Charles Ciccolella, Assistant Secretary, Veterans' Employment and Training, Department of Labor; Scott Bloch, Special Counsel, Office of Special Counsel; Keith Pedigo, Associate Deputy Under Secretary, Office of Policy and Program Management, Veterans Benefits Administration, Department of Veterans Affairs.

VA INSPECTOR GENERAL/IT BUDGET

Committee on Veterans' Affairs: Subcommittee on Oversight and Investigations held a hearing on VA FY 2009 Budget—Office of the Inspector General and Office of Information and Technology. Testimony was heard from the following officials of the Department of Veterans Affairs: Jon A. Wooditch, Deputy Inspector General; and Robert T. Howard, Assistant Secretary, Information and Technology; and Valerie Melvin, Director, Information Technology, GAO.

BUDGET PROPOSALS FISCAL YEAR 2009—OMB/HHS

Committee on Ways and Means: Held a hearing on the Administration's budget proposals for fiscal year 2009, OMB. Testimony was heard from James Nussle, Director, OMB.

The Committee also held a hearing on the Administration's budget proposals fiscal year 2009 for the Department of Health and Human Services. Testimony was heard from Michael O. Leavitt, Secretary of Health and Human Services.

BRIEFING—HOT SPOTS

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Hot Spots. The Committee was briefed by departmental witnesses.

COUNTERINTELLIGENCE HOT SPOTS

Permanent Select Committee on Intelligence: Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence met in executive session to hold a hearing on Counterintelligence Hot Spots. Testimony was heard from departmental witnesses.

Joint Meetings

SOVEREIGN WEALTH FUNDS

Joint Economic Committee: Committee concluded a hearing to examine the efficacy of sovereign wealth funds, government investment funds, funded by foreign currency reserves, but managed separately from official currency reserves, focusing on the U.S. economy and national security risks, after receiving testimony from David H. McCormick, Under Secretary of the Treasury for International Affairs; and Stuart E. Eizenstat, Covington and Burling LLP, and Douglas Rediker, New America Foundation, both of Washington, D.C.

FINLAND'S LEADERSHIP OF THE OSCE

Commission on Security and Cooperation in Europe: Commission concluded a hearing to examine Finland's leadership of the Organization for Security and Cooperation in Europe (OSCE), focusing on plans, priorities, and challenges that face the region, after receiving testimony from Ilkka Kanerva, Finland Minister for Foreign Affairs, Helsinki.

COMMITTEE MEETINGS FOR THURSDAY, FEBRUARY 14, 2008

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings to examine the strategy in Afghanistan, focusing on reports by the Afghanistan Study Group and the Atlantic Council of the United States, 11:10 a.m., SD–106.

Full Committee, to continue hearings to examine the strategy in Afghanistan, focusing on reports by the Afghanistan Study Group and the Atlantic Council of the United States, 2:30 p.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the current state of the United States economy and financial matters, 10 a.m., SR–325.

Committee on the Budget: to hold hearings to examine health care and the budget, focusing on information technology and health care reform, 10 a.m., SD–608.

Committee on Energy and Natural Resources: to hold hearings to examine the President's proposed budget estimates for fiscal year 2009 for the Department of Agriculture Forest Service, 9:30 a.m., SD–366.

Committee on Environment and Public Works: to hold hearings to examine S. 1499, to amend the Clean Air Act to reduce air pollution from marine vessels, 10:30 a.m., SD–406.

Committee on Finance: to hold hearings to examine international aspects of a carbon cap and trade program, 10 a.m., SD–215.

Committee on Health, Education, Labor, and Pensions: business meeting to consider S. 579, to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer, S. 1810, to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prenatally and postnatally diagnosed conditions, S. 999, to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and

rehabilitation, S. 1760, to amend the Public Health Service Act with respect to the Healthy Start Initiative, H.R. 20, to provide for research on, and services for individuals with, postpartum depression and psychosis, and S. 1042, to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly, and any pending nominations, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine ways to build and strengthen the Federal acquisition workforce, 9:45 a.m., SD–342.

Full Committee, to hold hearings to examine the President's proposed budget request for fiscal year 2009 for the Department of Homeland Security, 1:30 p.m., SD–342.

Committee on Indian Affairs: to hold an oversight hearing to examine the President's proposed budget request for fiscal year 2009 for tribal programs, 9:30 a.m., SD–628.

Committee on the Judiciary: business meeting to consider S. 2304, 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, S. 2449, to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, S. 352, to provide for media coverage of Federal court proceedings, S. 2136, to address the treatment of primary mortgages in bankruptcy, S. 2133, to authorize bankruptcy courts to take certain actions with respect to mortgage loans in bankruptcy, and the nominations of Kevin J. O'Connor, of Connecticut, to be Associate Attorney General, and Gregory G. Katsas, of Massachusetts, to be an Assistant Attorney General, both of the Department of Justice, 10 a.m., SD–226.

Select Committee on Intelligence: to hold hearings to examine the Director of National Intelligence authorities, 2:30 p.m., SH–216.

House

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on NRCS Under Secretary Mark Rey, 2 p.m., 2362–A Rayburn.

Subcommittee on Defense, on Army Readiness, 1:30 p.m., H 140 Capitol.

Subcommittee on Energy and Waste Development, and Related Agencies, overview hearing on Vehicle Technology and Gas Prices, 12 p.m., 2362–B Rayburn.

Subcommittee on Homeland Security, on Land Border Enforcement, 12:30 p.m., and 3 p.m., 2358–A Rayburn.

Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, overview hearing on Opportunities Lost and Costs to Society: the Social and Economic Burden of Disease, Injuries, and Disability, 12 p.m., and on Secretary of Health and Human Services, Fiscal Year 2009 Budget overview, 2 p.m., 2358–C Rayburn.

Subcommittee on Military Construction, Veterans Affairs, and Related Agencies, on Veterans Affairs, 1 p.m., 2359 Rayburn.

Committee on Armed Services, hearing on Implications for Our Strategic Posture, 11 a.m., 2118 Rayburn.

Subcommittee on Oversight and Investigations, hearing on Provincial Reconstruction Teams: A Case for Interagency National Security Reform? 2 p.m., 2212 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises, hearing on The State of the Bond Insurance Industry, 11:30 a.m., 2128 Rayburn.

Committee on Foreign Affairs, to mark up the following measures: The Global HIV/AIDS, Tuberculosis and Malaria Reauthorization Act of 2008; H. Res. 185, Expressing the sense of the House of Representatives regarding the creation of refugee populations in the Middle East, North Africa, and the Persian Gulf region as a result of human rights violations; H. Res. 854, Expressing gratitude to all of the member states of the International Commission of the International Tracing Service (ITS) on ratifying the May 2006 Agreement to amend the 1955 Bonn Accords granting open access to vast Holocaust and other World War II related archives located in Bad Arolsen, Germany; H. Res. 865, Expressing the sense of the House of Representatives that the March 2007 report of the United Nations Office on Drugs and Crime and the International Bank for Reconstruction and Development makes an important contribution to the understanding of the high levels of crime and violence in the Caribbean, and that the United States should work with Caribbean countries to address crime and violence in the region; H. Res. 909, Commemorating the courage of the Haitian soldiers that fought for American Independence in the "Siege of Savannah" and for Haiti's independence and renunciation of slavery; H. Con. Res. 154, Expressing the sense of Congress that the fatal radiation poisoning of Russian dissident and writer Alexander Litvinenko raises significant concerns about the potential involvement of elements of the Russian Government in Mr. Litvinenko's death and about the security and proliferation of radioactive materials; H. Con. Res. 255, Expressing the sense of Congress regarding the United States' commitment to preservation of religious and cultural sites and condemning instances where sites are desecrated; and H. Con. Res. 278, Supporting Taiwan's fourth direct and democratic presidential elections in March 2008; 10:30 a.m., 210 Cannon.

Subcommittee on Asia, The Pacific and the Global Environment, hearing on an Overview of Cambodia and the Need for Debt Recycling: How Can the U.S. Be of Assistance? 2 p.m., 2200 Rayburn.

Committee on Homeland Security, Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment, hearing entitled "Homeland Security Intelligence at a Crossroads: the Office of Intelligence and Analysis' Vision for 2008," 11 a.m., Cannon.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, hearing on H.R. 3679, State Video Tax Fairness Act of 2007, 2 p.m., 2141 Rayburn.

Subcommittee on the Constitution, Civil Rights and Civil Liberties, oversight hearing on the Justice Department's Office of Legal Counsel, 11 a.m., 2141 Rayburn.

Subcommittee on Courts, the Internet, and Intellectual Property, hearing on Design Law—Are Special Provisions Needed to Protect Unique Industries? 2 p.m., 2237 Rayburn.

Committee on Natural Resources, oversight hearing on the President's Fiscal Year 2009 Budget Request for the Department of the Interior, 11 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, Subcommittee on Domestic Policy, hearing on One year later: Medicaid's Response to Systemic Problems Revealed by the death of Deamonte Driver, 2 p.m., 2154 Rayburn.

Subcommittee on Information Policy, Census and National Archives and the Subcommittee on Government Management, Organization and Procurement, joint hearing on Federal IT Security: A Review of H.R. 4791, Federal Agency Data Protection Act, 10 a.m., 2154 Rayburn.

Subcommittee on National Security and Foreign Affairs, to continue hearings on Six Years Later (Part III): Innovative Approaches to Defeating Al Qaeda, 10 a.m., 2247 Rayburn.

Committee on Science and Technology, hearing on Funding for the America COMPETES Act in the Fiscal Year 2009 Administration Budget Request, 11 a.m., 2318 Rayburn.

Committee on Small Business, hearing entitled ''Business Activity Taxes and their Impact on Small Businesses, 10 a.m.,2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, hearing on Revitalization of the Environmental Protection Agency's Brownfields Program, 2 p.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Disability Assistance and Memorial Affairs, hearing on Examining the VA's Claims Processing System, 2 p.m., 340 Cannon

Committee on Ways and Means, to mark up H.R. 5264, Trade Preference Extension Act of 2008, and to consider Committee's Views and Estimates Letter to the Committee on the Budget, 9 a.m., 1100 Longworth.

Subcommittee on Health, hearing on the Medicare portions of the President's fiscal year 2009 budget, 12 p.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, briefing on Overhead, 10 a.m., H–405 Capitol.

Select Committee on Energy Independence and Global Warming, hearing entitled ''Fire and Rain: How the Destruction of Tropical Forests is Fueling Climate Change, '' 2 p.m., room to be announced.

Next Meeting of the SENATE

9:30 a.m., Thursday, February 14

Senate Chamber

Program for Thursday: Senate will continue consideration of S. 1200, Indian Health Care Improvement Act Amendments.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, February 14

House Chamber

Program for Thursday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

Brown-Waite, Ginny, Fla., E176
Burgess, Michael C., Tex., E180, E183
Davis, David, Tenn., E171, E173, E180
DeGette, Diana, Colo., E184
DeLauro, Rosa L., Conn., E182
Diaz-Balart, Lincoln, Fla., E179
Dingell, John D., Mich., E185
Farr, Sam, Calif., E184
Franks, Trent, Ariz., E182
Gallegly, Elton, Calif., E174
Giffords, Gabrielle, Ariz., E176
Green, Gene, Tex., E175
Hensarling, Jeb, Tex., E185
Higgins, Brian, N.Y., E180, E183, E185, E186
Holt, Rush D., N.J., E173
Honda, Michael M., Calif., E181
Issa, Darrell E., Calif., E172
Johnson, Eddie Bernice, Tex., E184
Johnson, Timothy V., Ill., E175
Kanjorski, Paul E., Pa., E177
Kaptur, Marcy, Ohio, E186
Kirk, Mark Steven, Ill., E179
Klein, Ron, Fla., E178
Kucinich, Dennis J., Ohio, E171, E173, E174
Mitchell, Harry E., Ariz., E185
Norton, Eleanor Holmes, D.C., E184
Nunes, Devin, Calif., E175
Pascrell, Bill, Jr., N.J., E187
Paul, Ron, Tex., E177
Pearce, Stevan, N.M., E186
Rangel, Charles B., N.Y., E171, E173, E175, E175
Royce, Edward R., Calif., E186
Ryan, Paul, Wisc., E177
Sanchez, Loretta, Calif., E180, E183
Saxton, Jim, N.J., E171, E173, E174
Shuster, Bill, Pa., E177
Solis, Hilda L., Calif., E184
Thompson, Mike, Calif., E180
Towns, Edolphus, N.Y., E176
Upton, Fred, Mich., E179
Visclosky, Peter J., Ind., E175, E181, E187
Walsh, James T., N.Y., E171, E172, E174
Welch, Peter, Vt., E176
Wolf, Frank R., Va., E185
Woolsey, Lynn C., Calif., E178, E179, E181, E183
Young, Don, Alaska, E172

Congressional Record

The *Congressional Record* (USPS 087–390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the *Congressional Record* is available online through *GPO Access*, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the *Congressional Record* is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through *GPO Access* at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at 202–512–1661. Questions or comments regarding this database or *GPO Access* can be directed to the *GPO Access* User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1–888–293–6498 (toll-free), 202–512–1530 (D.C. area); Fax: 202–512–1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The *Congressional Record* paper and 24x microfiche edition will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $252.00 for six months, $503.00 per year, or purchased as follows: less than 200 pages, $10.50; between 200 and 400 pages, $21.00; greater than 400 pages, $31.50, payable in advance; microfiche edition, $146.00 per year, or purchased for $3.00 per issue payable in advance. The semimonthly *Congressional Record Index* may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to 866–512–1800 (toll free), 202–512–1800 (D.C. area), or fax to 202–512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily *Congressional Record* is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the *Congressional Record*.

POSTMASTER: Send address changes to the Superintendent of Documents, *Congressional Record,* U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.