The House met at 10 a.m. Monsignor Richard W. O’Keeffe, Immaculate Conception Church, Yuma, Arizona offered the following prayer:

Ditut Deus, God Enriches. Those magnificent words are found on the seal of the State of Arizona as we celebrate today our 96th birthday as entering into the States of the United States. And so this morning we thank God for all those enriched graces that He has given to each and every one of us.

As we pray here this morning, we ask the Lord of all our endeavors to give our elected Congress men and women the courage to follow noble aspirations, strength to support worthy causes, integrity to seek the truth, and in all of their legislative duties, be their inspiration and guide.

Lord, You remember forever Your covenant with us. Even though it was centuries ago that You formed a community of family life with us, still You remain continually faithful. Enable us by Your merciful help to keep faith with You, to renew our covenant at important or difficult moments of our life so that at the end we may receive the promise of the covenant.

Lord, to those who believe in You, You promise kindness and truth, justice and peace. When we are faced with difficulties, increase our faith, but do not lower our ideals. From the least likely places You can bring forth the triumph of Your grace. These things we ask in Your name. Amen.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Oregon (Mr. BLUMENAUER) come forward and lead the House in the Pledge of Allegiance. Mr. BLUMENAUER led the Pledge of Allegiance as follows: I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING MONSIGNOR RICHARD O’KEEFFE

The SPEAKER pro tempore. Without objection, the gentleman from Arizona (Mr. GRIJALVA) is recognized for 1 minute. There was no objection. Mr. GRIJALVA. Thank you, Mr. Speaker. It is my pleasure to welcome Monsignor O’Keeffe as our guest chaplain today.

Monsignor O’Keeffe has been tending to the spiritual and human needs of people in Arizona for over 40 years, of which the last 30 has been in Yuma, Arizona. It is fitting that he provides today’s blessing, as we also memorialize the passing of Congressman Lantos, a great champion of human rights.

Monsignor O’Keeffe is highly respected in Yuma and all of Arizona for the work he does on behalf of human rights, civil rights and advocating for the underrepresented in our community.

He is an active member of the community, encouraging community leaders to take responsibility for social justice, recruiting young and old to engage in civic participation. His experience and passion has led him to be a founder of the Yuma Interfaith Organizing Committee. I am honored to work with him and receive spiritual and community guidance from him. He is a source of strength for all of us who interact with him.

Mr. Speaker, I welcome my friend Monsignor O’Keeffe to the House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

GO TIGERS, GO

(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, I know today we’re going to talk a lot about FISA, but before we do I want to rise to commend the University of Memphis men’s basketball team on an outstanding season. So far the Tigers have amassed 24 wins, no losses, earning them the top national ranking in college basketball.

Thanks to the enthusiastic support of the Memphis Tiger fans, and especially the “Blue Crew,” the Tigers hold the Nation’s longest home court winning streak, 47 wins in a row.

ESPN has called them and their coach, John Calipari, relentless and unselfish.

I applaud the Tiger basketball team for setting an example of teamwork and tenacity that all teams, individuals and even this Congress would do well to follow.

On behalf of the people of the great City of Memphis and the great State of Tennessee, I congratulate the Tigers, and I wish them luck on the remainder of the season.

Thank you for making us proud.
PROTECT AMERICA ACT

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

Ms. GRANGER. Mr. Speaker, once again the Protect America Act is set to expire. If the bipartisan Senate FISA bill is not passed in time, our intelligence community will be blinded to our enemies’ plans and required to consult a lawyer before eavesdropping on foreign terrorists.

The House should immediately pass the Senate’s bipartisan bill which passed the Senate by a 68–29 vote. Our intelligence needs a long-term fix in our intelligence laws, not a month-to-month extension.

More importantly, the Senate FISA bill grants liability protection to telecommunications companies that helped the government after September 11. Allowing these companies to be subjected to frivolous lawsuits threatens their cooperation in the future. This could have a crippling effect on America’s counterterrorism efforts.

Yesterday, the Democrat majority chose partisan politics in the face of a strong bipartisan solution that directly determines the fate of our intelligence gathering abilities, and the House Democrat leadership failed. The American people have asked for solutions, not political grandstanding.

We should take up the bipartisan Senate FISA bill immediately. This cannot wait until we return from the President’s Day recess.

FISA

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

Mr. HOEKSTRA. Mr. Speaker, what is it that my friends on the other side don’t understand about the threat that faces our country today? Have they not seen the reports coming from Iraq where al Qaeda in Iraq has now stated that their objective is to launch attacks against Jerusalem and to eliminate the State of Israel, establish the caliphate and reach for the brass ring, which is to attack the United States? Why are you unwilling to put the Senate FISA bill on the floor and give the intelligence community the tools that they need to keep America safe?

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 to speak on what I call “The Daily 45.” The Department of Justice reports that on average, every day here in America, 45 people are shot and killed in a fit of revenge, robbery or troubled relationships. These are more than our soldiers who are killed in Iraq and Afghanistan each and every day.

Today I reflect on a story that has captured the hearts and the minds of Chicago area residents. On Saturday, February 2, the day began like any other day for six unsuspecting women. Five of these women, cune organs and workers at a Lane Bryant clothing store in the southwest suburbs of Chicago, were heartlessly murdered during an apparent midday botched robbery attempt by an assailant wielding a gun.

37-year-old Connie Woolfolk, 42-year-old Rhoda McFarland, 22-year-old Sarah Szafinski, 33-year-old Carrie Hudek Chiuso, and 34-year-old Jennifer Bishop should not be forgotten. Neither should we forget the sixth woman who was shot in the neck, but survived.

When will America say, “Enough is enough”? Stop the killings.

THE LAWLESSNESS SOUTH OF THE BORDER

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

Mr. POE. Mr. Speaker, Americans are under vicious attack in Mexico. The new threat comes from south of the border in the form of organized and violent Mexican kidnappers.

Last year, 26 San Diego, California residents were kidnapped and held for ransom while traveling to Mexico. Numerous Mexican nationals were kidnapped. Some victims were murdered. Only a few of the people kidnapped were ever rescued. They reported that they were beaten, tortured and sexually assaulted.

The FBI says that these sophisticated kidnappers are growing in number. The State Department has even issued a travel alert for U.S. citizens living and traveling in Mexico. This new form of terrorism is very disturbing.

While President Calderon is here in the United States lobbying for illegal immigrants to get amnesty, Mexican and U.S. citizens are being victimized in his home country. President Calderon would do well to stay home in lawless Mexico, get his house in order and protect the rights of hundreds of his own people and the U.S. citizens who are being abducted and held for ransom by these outlaws.

And that’s just the way it is.

IMPETUOUS FISA RENEWAL

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

Mr. STEARNS. Mr. Speaker, the bipartisan Protect America Act, a critical anti-terrorism law that closes loopholes in our intelligence laws and protects civil liberties is, once again, about to expire. The House must act today on this critical piece of legislation, which passed the Senate by 68–29. If this Senate bill is not passed in time, our intelligence agencies will be blinded to our enemies’ plans and required to consult a lawyer before eavesdropping on foreign terrorists.

Democrats have had more than 6 months to make the Protect America Act...
MOTION TO Adjourn

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I move that the House do now adjourn.

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

The motion is before the Chair, and I announce that a quorum is present.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I object to clause 12(a) of rule I, the Chair having determined to take the yeas and nays on the motion to adjourn.

The Sergeant at Arms will notify absent Members of the vote and send Members.

The question was taken; and the yeas and nays appeared to have it.

The vote was taken by electronic device, and there were yeas 2, nays 390.

Accordingly (at 11 o'clock and 5 minutes a.m.), the House stood in recess.

The Speaker of the House. The House is in recess.

The House adjourned.

APPOINTMENT OF HON. STENY H. HOYER AND HON. CHRIS VAN HOLLEN TO ACT AS SPEAKER PRO TEMPORE TO SIGN EN-ROLLED BILLS AND JOINT RESOLUTIONS THROUGH FEBRUARY 25, 2008

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

WASHINGTON, DC. February 14, 2008.

I hereby appoint the Honorable STENY H. HOYER and the Honorable CHRIS VAN HOLLEN to act as Speaker pro tempore to sign enrolled bills and joint resolutions through February 25, 2008.

NANCY PELOSI, Speaker of the House of Representatives.

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

There was no objection.
Mr. LINCOLN from Florida (Mr. LINCOLN from Florida) yielded the customary 30 minutes to the gentleman from New York (Ms. SLAUGHTER) for the purpose of debate only, I yield myself such time as I may consume.

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

Ms. SLAUGHTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 962 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That House Resolution 979 and House Resolution 980 are hereby adopted.

The SPEAKER pro tempore. The resolution has been read, and is adopted.

Mr. LINCOLN from Florida. Madam Speaker, I would like to thank the gentleman from New York, Ms. SLAUGHTER, for the time, and I yield myself such time as I may consume.

Madam Speaker, I was in the funeral of our distinguished friend and colleague, Congressman Lantos, someone whom I admired very, very much and who was a personal friend. I was standing by the ranking member of the Rules Committee.

At the time during the funeral, the House was in recess subject to the call of the Chair understanding that we would not come back into session until after the funeral. And I was most disturbed and hurt and pained when, even though the funeral was still proceeding and distinguished guests were speaking, the bells rang that the House was going back into session and I had to leave.

Because of my obligation today, I have the assignment, as a member of the Rules Committee, to be here during this time. I had to leave the funeral to be here today. It’s most unfortunate, and I’m very, very sorry that the day has begun in that ultimately unfortunate fashion.

Madam Speaker, today the majority opposes that the House consider a rule that, according to the Parliamentarian, is unprecedented in the history of this institution. It will prevent any and all debate on two contempt motions against former White House Counsel Harriet Miers and White House Chief of Staff Josh Bolten.

A contempt resolution is a privileged matter because it directly concerns the constitutional rights and privileges of
the House. Chapter 17, section 2 of House Practice states, “Such a resolution may be offered from the floor as privileged, because the privileges of the House are involved.”

The action of the majority today is most unfortunate. Never before in the history of this House has a contempt resolution, one of the highest questions regarding the rights and privileges of this institution, been treated in such an underhanded manner. If this rule is adopted, we will no longer be able to debate, to vote, and the contempt resolutions will magically and automatically be hereby adopted when this rule is adopted.

Now, if the majority believes the contempt resolution to be correct, the just and proper course of action to assert the rights of this institution would be to debate and vote on the resolution.

The majority leadership is subverting the rights of every Member of this House by calling for a vote and then possibly subordinating a controversial administrative order by a congressional committee. If this order is not followed, it could gravely undermine Congress’s oversight authority, the very authority the majority is allegedly seeking to protect. If Congress loses in the courts, we could forever disable one of our most important powers, the power of oversight. The majority’s attempt to rush this contempt resolution is needlessly tempting a court loss that will be fought by the administration.

The former Attorney General, for example, Janet Reno, stated, and I quote, “It is the President’s attempt to rush this contempt resolution through the House will have repercussions that many Members may not be aware of. And so I urge my colleagues to pay close attention because, by this action, the House majority risks causing great harm. It risks causing grave harm and undermining Congress’s oversight authority for generations to come, and here is why.”

The administration is claiming executive privilege, and any attempt to force testimony from the President’s former counsel and his Chief of Staff will be fought by the administration. The House leadership is characterized by a congressional committee, because subjecting a senior Presidential advisor to the congressional subpoena power would be akin to requiring the President himself to appear before Congress on matters relating to his constitutionally assigned functions.”

What the majority is doing today is needlessly tempting to court a loss that could gravely undermine Congress’s oversight authority, the very authority the majority is allegedly seeking to protect. If Congress loses in the courts, we could forever disable one of our most important powers, the power of oversight. The majority’s attempt to rush this contempt resolution is needlessly tempting a court loss that will be fought by the administration.

So, back in July, the Judiciary Committee cited both Mr. Bolten and Ms. Miers for contempt of Congress. Now, here we are, 8 months later, considering these two contempt resolutions, with no substantiation. By passing this rule, automatically those contempt resolutions will be passed, after an emergency Rules Committee meeting last night.

So the question is, why the rush? For some reason the majority feels that after 8 months, now this is a pressing issue. But I can think of a large list of other issues that I feel that Americans would rather we address; none more than considering the FISA bill that the Senate approved this week to give the administration the ability to protect the United States from terrorist attacks.

The tragic events of September 11, 2001, taught us many lessons, and one of the lessons we learned that day was that our Nation must remain aggressive in our fight against terrorism. We must always stay one step ahead of those who wish to harm America, and now is not the time to tie our intelligence community. And the majority attempt to leave today and go home without addressing this issue.

The modernization of the foreign intelligence surveillance into the 21st century is a critically important national priority, and I am pleased that several of my colleagues on the other side of the aisle agree as well.

On January 28, 21 members of the Blue Dog Coalition sent a letter to the Speaker in support of the Senate FISA legislation. The letter states, and I quote, “The Senate FISA Rockefeller-Bond legislation contains satisfactory language addressing all these issues, and we would fully support the measure if 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 law to include 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...
Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 4 minutes to the gentleman from Michigan, the distinguished chairman of the Judiciary Committee, Mr. CONYERS.

Mr. CONYERS. Madam Speaker, I will insert into the RECORD from today’s New York Times, “Time to Vote Contempt.”

[From the New York Times, Feb. 14, 2008]

TIME TO VOTE CONTEMPT

Alberto Gonzales, the country’s attorney general, may have been up in front of the House Judiciary Committee, but the country is still waiting for a full accounting of how he and his White House patrons cynically politicized the Justice Department. Congress is rightly asking questions about the actions of yet another United States attorney: New Jersey’s Christopher J. Christie. The House also needs to stop procrastinating and vote to hold witnesses in contempt for refusing to testify in the wider scandal.

Federal prosecutors must be scrupulously nonpartisan. Mr. Christie, a Republican activist who got his job despite a lack of trial and criminal justice experience, has gone too far on the line of acceptable behavior—and possibly crossed it.

He began an investigation of Senator Robert Menendez, a New Jersey Democrat, late in a hard-fought election campaign. The charges now appear baseless, but at the time the move provided a big boost to Mr. Menendez’s Republican opponent. Mr. Christie went against a long Justice Department presumption against opening investigations or bringing indictments right before an election, to avoid affecting the outcome.

There are also questions about Mr. Christie’s decision to award, without competitive bidding, a lucrative contract to monitor a company accused of consumer fraud. The winner? Former Attorney General John Ashcroft, an influential Republican who was once Mr. Christie’s boss. Senate and House leaders have asked the Government Accountability Office to investigate.

Some who likely know the most about the role politics has played in the Bush Justice Department have defied Congressional subpoenas to testify. Joshua Bolten, White House chief of staff, and Harriet Miers, the former White House counsel, contend that they are protected from testifying by executive privilege. That is not enough to simply attach a legal obligation to appear before Congress and plead that privilege to specific questions.

The House Judiciary Committee voted in July to hold Mr. Bolten and Ms. Miers in contempt. The House’s Democratic leadership has been trying to figure out the pros and cons ever since. The public needs to hear the testimony of these officials (along with Karl Rove, who is also refusing to appear), the testimony of these officials (along with Karl Rove, who is also refusing to appear), and the full House should vote as quickly as possible to hold them in contempt.

The House needs to approve a resolution authorizing the Judiciary Committee to go to court to enforce the contempt citations if the current attorney general, Michael Mukasey, refuses to do so.

The stakes are high. There are people in jail today, including a former governor of Alabama, who have raised credible charges that they were put there for political reasons. Congress’s constitutionally guaranteed powers are also at risk. If Congress fails to enforce its own subpoenas, it would effectively give its tacit consent to the dangerous idea of an imperial president—above the law and beyond the reach of checks and balances.

The founders did not want that when they wrote the Constitution, and the voters who elected this Congress want it today.

Ladies and gentlemen of the House, the resolution we are considering today is not steps that I take as chairman easily or lightly. It’s been 8 months that we’ve tried to negotiate, nine letters, but this is what is necessary to protect the constitutional prerogatives of a coequal branch of government in this democracy of ours. I believe the investigation we have been engaged in is an important one. And it’s not about whether the U.S. Attorneys can serve at the pleasure of the President. They clearly can and do. But it concerns whether the American people can be assured that their laws are being fairly and impartially enforced by the United States Department of Justice. That’s why we’re here.

In order to pursue this investigation, we’ve done what committees in the Congress have traditionally done: We’ve sought our documents and testimony initially on a voluntary basis and through compulsory process only as a last resort. Our investigation did not begin with the White House but has ended up there only after the review of tens of thousands of pages and documents and obtaining the testimony and interviews of nearly 20 current and former Department of Justice employees.

We have been open at all times to any reasonable compromise and have been fully respectful and cognizant of the prerogatives of the executive branch. As a matter of fact, I have written the White House counsel on no less than nine separate occasions, and talked with him seeking a compromise on this matter.

What I am not open to, as the chairman of the Judiciary, is accepting a take-it-or-leave-it offer which would not allow us access to information that we need, would not even provide for a transcript, and would prevent us from seeking any additional information in the future. That is the only proposal we’ve ever received from White House counsel, and so I would hope that all of the Members in this body, as an institutional matter, recognize the problems inherent in such an approach.

I would argue that the stakes in this confrontation, and I think that’s what’s been suggested already, are so high that we cannot afford to risk that we might lose. Well, I’d say to them that if we countenance a process where our subpoenas can be readily ignored, where a witness under a duly authorized subpoena doesn’t even have to bother to show up or tell us that they’re not coming, where privilege can be asserted on the thinnest of bases and in the broadest possible manner, then we’re in trouble.

This is not a matter of vindicating the Judiciary Committee; if you’re really concerned about Congress’ rights, which I think all of us are, you would contact the White House counsel’s office.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield 4 minutes to the distinguished ranking member of the Judiciary Committee, Mr. SMITH of Texas.

Mr. SMITH of Texas. Madam Speaker, I rise in strong opposition to the rule.

Yesterday, House Democrats said that Congress does not have enough time to pass critical FISA modernization legislation to keep America safer from foreign terrorists. Today, we are wasting Congress’ time on an issue that does nothing to make our Nation safer. Clearly, the Democratic majority is out of touch with the needs of our intelligence community and is placing Americans’ lives at risk.

On the eve of the expiration of critical intelligence legislation, the House Democratic majority has chosen to put extreme partisanship ahead of our country’s safety. Apparently, the Democratic majority is so focused on the alleged steroid use of a few baseball players and the personnel decisions of the White House than they do about promoting national security.

Last year, Admiral McConnell, the Director of National Intelligence, warned Congress that the intelligence community was missing two-thirds of all overseas terrorist communications, endangering Americans’ lives. Congress enacted the Protect America Act to close this terrorist loophole.

Now House Democrats are going to let the Protect America Act expire. If the act expires, we will return to the status quo, unable to begin any new foreign intelligence surveillance without a court order and risk losing two-thirds of all foreign intelligence.

Today we find ourselves at two very dangerous thresholds: first, expiration of legislation vital to this Nation’s national security, the Foreign Intelligence Surveillance Act, the House Democratic majority has let this legislation lapse without even allowing a straight up-or-down vote on the bipartisan Senate bill approved earlier this week by a vote of 68-29. Instead of reauthorizing FISA, the Democratic majority chooses to take us to another threshold, that of a needless constitutional confrontation in the courts over the dismissal of a handful of United States Attorneys.

We know that the President has the authority to dismiss U.S. Attorneys. We know that his executive privilege claims are consistent with those made by previous Presidents for decades. We know that by tilting at the executive privilege windmill we risk severely undermining the very oversight authority we would want to protect. But most of all, we know that the reauthorization of FISA is infinitely more important than this spat over executive privilege. Once again, we see why Congress’ approval rating is at an historic low. It’s
because the Democratic majority engages in extreme partisanship and ignores the people's business.

I urge my colleagues to oppose this resolution.

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. MILLER).

Mr. MILLER of North Carolina. Madam Speaker, I am not overly concerned by what the courts ultimately decide. But privilege covers only the Congress's claim of executive privilege here goes well beyond any privilege ever recognized by any court decision, but the Republican can obviously survive a court decision on the narrow question of the exact extent of executive privilege.

But, Madam Speaker, the courts must decide. The President cannot decide by decree. The President cannot announce with absolute, unreviewable authority what information the administration will provide or withhold.

The Framers of our Constitution had just fought a war against an autocratic King. It is inconceivable that they intended to create an executive that could use the powers that the Bush administration now claims and that the minority now supports.

For the entire history of our Republic, our courts have recognized that Congress needs information to carry out our constitutional duties, to decide what the laws should be, to decide what to appropriate Federal funds for, and that we cannot rely on information that is voluntarily, cheerfully provided, Congress must have the power to require information, including information that the President does not want to provide, that the President sees as inconvenient or embarrassing.

We must inquire into the need for new laws. We must inquire into how existing laws are being administered. And the Supreme Court said half a century ago that Congress' investigative powers are never greater than when inquiring into an authority or conduct by Federal Government agencies.

Madam Speaker, the allegations here are very serious. Does the minority think that these are trivial allegations? Prosecutorial decisions cannot be used to reward political friends or punish enemies. Elections have consequences, Madam Speaker; but they should never have these consequences, not in America. Criminal prosecutions guided by political concerns are fundamentally incompatible with democracy and the rule of law.

The two resolutions that we are considering will allow the courts to decide these questions of what information Congress can require in the discharge of our constitutional duties. It will allow important constitutional questions to be decided, as they should be decided in a democracy, by the courts.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield 2 minutes to the gentleman from Missouri.

Mr. BLUNT. Madam Speaker, I thank the gentleman for yielding, and I'm here to say that I am fully supportive of the prerogatives of the Congress. I think the Congress has a right to ask for, receive, demand information from the administration; but I don't think that right extends to this case.

I think the President would expect to get information that is dealing with advice to the President on the status of at-will employees is a loser for us on the House floor. It's a loser for us in court. It will settle back the prerogatives of the Congress; and beyond that, I think the idea that we're here today, as we see the Foreign Intelligence Surveillance Act get less value to us every day because we're unwilling to deal with a permanent solution, this is the wrong debate to have at any time. It's certainly the wrong debate to have at this time.

And the idea that somehow if we extend that act, if we've done all we can do by trying to extend an act, a bipartisan group of Members of this Congress for various reasons said we don't want to extend and then we come back today and we take our time focusing on a contempt charge on two dedicated civil servants wrong thing to do at any time, and it's particularly the wrong thing to do at this time.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 1 minute to the distinguished Speaker of the House, the Honorable Nydia Velazquez of California.

Ms. PELOSI. Madam Speaker, I thank the gentlelady, the Chair of the Rules Committee, for yielding.

Today is a very sad day for us for more than one reason. One reason is, though, the matter that is before us. I had hoped, frankly, that this day would never have come, that the respectful negotiations that should take place between article I, the legislative branch, the executive branch, would have yielded the information that is necessary for Congress to make its decisions.

I thank Chairman CONYERS for his distinguished leadership protecting the Constitution of the United States. We all take that oath of office, every single one of us who serves. Indeed, every person who serves in any civic capacity in our country does so. Today, we are honoring our oath of office with this resolution that is before us.

Again, I rise in sadness, not in confrontation. This is not a conflict that the Congress has sought. In fact, as the Chairman of the Judiciary Committee has indicated, the committee has repeatedly sought to avoid confrontation, repeatedly making requests that have been ignored or rejected by the White House on completely legitimate grounds.

The Judiciary Committee, indeed the Congress, is clearly entitled to this information. It involves neither national security information nor communications with the President. The President has no grounds to assert executive privilege.

On the other hand, Congress has the responsibility of oversight of the executive branch. I know that Members on both sides of the aisle take that responsibility very seriously. Oversight is an institutional obligation to ensure against abuse of power, in this case the politicizing of the Department of Justice. Subpoena authority is a vital tool for that oversight.

Today, we seek to require the Department of Justice to bring contempt motions against Harriet Miers and Josh Bolten. When our resolution passes, we hope the administration will realize that this House of Representatives, this Congress, is serious about our constitutional role of oversight and will reach a settlement with us over the documents and testimony at issue. I still hold out the hope that they will cooperate.

But if the administration fails to do so, and if it orders the Department of Justice not to file contempt proceedings, we will then, through this resolution, have the power ourselves to file Federal court and seek civil enforcement of our subpoenas.

The resolution before us today should not be a partisan issue. It should not be. This isn't about Democrats or Republicans. Former Congressman Mickey Edwards, who once served in the Republican leadership, has said that the enforcement of the subpoenas in the U.S. Attorney matter is about defending Congress, not a Democratic or a Republican Congress, but the people's Congress, as a separate, independent, and completely equal branch of government.

The subject of the Judiciary Committee's investigation involves serious and credible allegations that Federal law enforcement was politicized. Political manipulation of law enforcement undermines public confidence in our criminal justice system. Congress must find out what happened not just in terms of those who were fired but also whether improper criteria were used to retain the remaining U.S. Attorneys.

We must have the information in order to protect against political manipulation of law enforcement, and it must be provided in terms consistent with our constitutional obligations.

The so-called White House offer refused to permit even a transcript of any interviews and to permit questions on discussions and required the committee to promise in advance not to seek further information. This is beyond arrogance; this is hubris taken to the ultimate degree.

As former Congressman Edwards, again I remind, a former Chairman of the Republican leadership in the House, said, "No Congress, indeed, no lawyer, would ever agree to such an outrageous demand."

Madam Speaker, we must continue in our efforts to restore our Nation's fundamental systems of checks and balances. This Congress and future Congresses must have the ability to conduct meaningful oversight. It is the
halmark of our constitutional democracy that has served us well for more than two centuries.

Thank you, again, Chairman CONyers, for your leadership, Congresswoman LINDA Sánchez, chairwoman of the subcommittee that dealt with this issue, Chairwoman LOUISE SLAUGHTER, for the important work of the Rules Committee on all of this. To the new Members of Congress, on this issue of article I led by JOHN YARMUTH, article I, protecting the prerogatives of the Congress of the United States, we thank our new Members for their leadership honoring their oath of office. And BRAD MILLER, an expert on the subject in the Congress, has been a tremendous resource to us as well.

Let us uphold our oath of office by voting for this resolution, my colleagues. Let us restore the rule of law. Let us act to protect and defend our constitution by ensuring appropriate congressional oversight in all areas essential to the well-being of the American people.

I urge my colleagues to support this resolution.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield 2 minutes to the distinguished ranking member of the Rules Committee, Mr. DREIER of California.

Mr. DREIER. Madam Speaker, Speaker Pelosi is absolutely right, this is a very, very sad day for all of us. We just memorialized our colleague, Tom Lantos, and we have come back today to deal with an issue which I believe is one that creates the potential to undermine the power of the first branch of government.

Now, as has been said, if we looked at the potential court challenge that we can see, this notion that has been put forward by our colleague, Mr. Edwards, that we are, in fact, a separate, independent, and equal branch of government could be thrown out the window.

The other thing that’s very sad about today, Madam Speaker, is the fact that we are here with an absolutely unprecedented rule. Never before in the history of the Republic has there been such a rule. This rule actually undermines the deliberative nature of the people, the people who are doing this. They are saying that we will have no debate whatsoever, no debate whatsoever on these very important two contempt resolutions, no debate whatsoever. When this rule is adopted, we will see those two measures hereby adopted, meaning that there will be no chance for us to, as a House, have the kind of debate that we did for an hour upstairs in the Rules Committee. And so, we’re throwing out the window the notion of participation in a free and open debate. And Madam Speaker, the other thing that is very sad about today is that, while we were promised 1 year ago last month a new direction for America, a new era of openness, an opportunity for free-flowing debate, we will, with passage of this resolution, be on the brink of seeing the 110th Congress, and I will say to the distinguished chair of the Committee on Rules, since she is presiding over this, Madam Speaker, we will in no way disregard more closed rules than any Congress in the history of the Republic.

I urge a “no” vote on this rule. And I urge strong support for the resolution which will allow us to finally bring to the American people about this important issue of Foreign Intelligence Surveillance Act.

Ms. SLAUGHTER. Madam Speaker, I yield 1 minute to the distinguished majority leader of the House, Mr. HOYER of Maryland.

Mr. HOYER. I thank the gentlelady for yielding.

We are dealing, in these days, with serious issues. And serious people have been considering these issues in committee, and we will now consider them on the floor. This matter has been pending now for over half a year. Madam Speaker, in 1885, a young scholar wrote an influential book about the United States Congress entitled “Congressional Government.” And in a remarkable chapter, the following observations about legislative branch oversight, and he said this, “Quite as important as legislation is vigilant oversight of the administration. Not any particular administration, but of the other coequal branch of government.”

He continued, “It is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees. The informing function of Congress, not just informing ourselves, but informing the American public as well, the informing function of Congress should be preferred even to its legislative function.” An interesting observation. Many years later, in 1993, that young scholar, Woodrow Wilson, became President of the United States.

Congressional oversight of any administration is absolutely imperative to the proper functioning of our government, to our system of checks and balances, and to the fulfillment of our constitutional duty. A President who is forced to answer for his administration’s actions, decisions, and conduct is a President who is less likely to amass power for himself. The Constitution proscribes for his office or to imperil the welfare of our republic form of government. And that is the constitutional interest that today’s resolution addresses.

I support the rule before us because I believe in this system of checks and balances in which no branch holds itself above the constitutional objectives of the sharing of authority, which the Founders wisely believed was essential to protect against the abuse of that authority by any branch of those branches. The issue before this body is not fundamentally whether the current administration acted properly and within the law when it dismissed seven U.S. attorneys in 2006, that may be the issue at some point in time, but unless we have the information to get to that point, such a question will be moot. Nor is this a partisan clash between a Democratic House and a Republican President. Rather, the basic issue before this House is this: whether this body and the committee system, which is central to our duties to perform meaningful and vigorous oversight, can simply be ignored by the executive branch.

What profit it a Nation if we include checks and balances in our constitutional framework to protect our country’s freedom, and more importantly, our people’s freedom, if, in fact, we honor it only in the breach? And as Bruce Fein, the constitutional scholar and former Department of Justice official during the Reagan administration, has stated, “If Congress shies from voting for contempt in this case, secret government will become the rule.” This is perhaps the most secretive administration in our history. This is a dagger to our democracy.

He went on to say “that Congress would be reduced to an ink blot on the constitutional map.” That is why every one of us, every one of the 435 of us who have sworn an oath to defend the Constitution of the United States and uphold its laws, ought to vote for this resolution, because it does not matter whether there is a Republican President or a Democratic President, for them to refuse to respond to a subpoena from the Congress of the United States, and to even come here and claim a privilege, which they have not, our democracy will be lessened.

I urge my colleagues to carry out the intent and the vision of the Founders and the writers of our Constitution. Support this resolution.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I would remind our colleagues that one of the reasons why the minority is outraged with the conduct of the majority today is that we are not even allowed to debate nor vote on the contempt resolutions, but rather on a rule that will self-adopt, automatically adopt even resolutions of this magnitude of importance: totally unprecedented and uncalled for.

Madam Speaker, at this time, I yield 2 minutes to the distinguished gentleman from Wisconsin, Mr. SENSENBRENNER.

Mr. SENSENBRENNER. I thank the gentleman for yielding.

Madam Speaker, I rise in opposition to this resolution.
Yesterday, the Democratic leadership tried to sweep a bipartisan FISA bill under the rug, and today they’re trying to throw the President’s Chief of Staff in jail. I am curious to know what happened to the pledge of partnership with Republicans in Congress, and with the President’s leadership.

The vote we are going to take this afternoon has been festering since July, when the House Judiciary Committee decided to vote on holding White House officials in contempt. This vote will reflect a political and unnecessary escalation on the part of the Democratic majority.

The contempt resolution was approved on a straight party line vote in the committee, and today’s vote will be the same. The threat of losing in court should be enough for this institution to back down from this escalation.

My concern with the Democratic leadership’s course of action is that it will likely weaken Congress’ position in similar situations where we disagree with the President on matters of executive privilege. If the Speaker and the House Judiciary Committee chairman really cared about getting to the bottom of this matter, they could have taken the nonpartisan route, such as directing the House Office of General Counsel to file a civil lawsuit with the U.S. District Court for the District of Columbia. This proposal, which I suggested last summer, would be a legitimate effort to resolve issues with the President in an arena where the Congress would have equal footing.

So, what’s next? How will we rehabilitate our image to give the public confidence in the Congress? I don’t think throwing the President’s Chief of Staff in jail will do the trick.

It amazes me that the Democratic leadership would bring such a divisive matter to the floor so soon after receiving accolades for working so well together. Leadership would bring such a divisive matter to the floor so soon after re-establishing their majority. Congress is still rules to resolve our issues with the President in an arena where the Congress would have equal footing.

What are we doing here?立法者们以中立和无私的态度行事，而不是以牺牲公众利益为代价。

The Protect America Act. It expires at midnight tomorrow. We should be doing the Nation’s business with respect to that, rather than this. If, in fact, we are serious about the war on terror; if, in fact, we are serious about protecting our information which is necessary to protect us against those who would harm us and those we represent, we would be doing business with respect to that, rather than this. If, in fact, we are serious about protecting our information which is necessary to protect us against those who would harm us and those we represent, we would be doing business with respect to that, rather than this.

Madam Speaker, I have prepared a whole series of remarks to respond to the comments made on the floor as to the substance of the concept citation. Unfortunately, there are only a couple of points I’d like to make.

First of all, the question is, is this the most important thing we should be doing today? Unfortunately, there are only a couple of points I’d like to make. It amazes me that the Democratic leadership would bring such a divisive matter to the floor so soon after receiving accolades for working so well together.

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be cited by future Presidents as justification for questionable claims of executive privilege.

I hope that my colleagues on the other side will stand together in support of this body's institutional prerogatives. This is a time overdue for Congress to reassert itself as a co-equal branch of government.

I urge support of the rule and House resolutions 979 and 980.

Mr. LINCOLN DIAZ-BALART of Florida, Madam Speaker, I yield 4½ minutes to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Madam Speaker, I would ask the chairman of the Subcommittee on Commercial and Administrative Law, who has oversight of this matter and which committee I rank on, to remain on the floor so we could have a colloquy on this issue.

It appears that she has left the floor. That's unfortunate. Her response to my inquiry about yielding was that she didn't have enough time, and we are standing here today with very little time to debate an issue that is dramatically important. It's important for this institution, and, by the way, people on both sides of the aisle have said and the chairman and I have both made a point of how important this issue is to this body. It is vitally important to me that we retain the rights of this body as it relates to administration, whether that's a Red public administration or Democratic administration.

In his opening statements, Mr. DIAZ-BALART gave a quote from former Attorney General Janet Reno in which she said there was no right to do what we're trying to do today. I would have loved to have asked the chairman on the Subcommittee on Commercial and Administrative Law if she thought that was the case or if she disagreed with what the scope of the right of the administration is to not appear. Obviously, there is a sense in this case that we ought to get something done; and, in fact, we have done a great deal. We have had hundreds of hours of depositions, literally tens of thousands of pages, tens of thousands of e-mails. We have asked questions of everyone involved in the matter in the case. And what have we come up with? I wanted to ask the chairman what the evidence we are going to present to the U.S. Attorney can take and say, I have a need to get this information from these people in the administration who won't show up to the House. I have a need to understand these facts which seem to be in confusion. I have a need to decide what between these two different narratives is the truth.

But we haven't said that to him. We don't have evidence that we can give the U.S. Attorney. What we are giving to him is a desire to continue a witch hunt which has produced up to today zero, as far as I can tell; and I've been in every meeting, every hearing, and followed on every single deposition that we have had. There is nothing that indicates that anybody has lied or that there is a reason that the White House has been involved. And, therefore, there is no reason that I can understand, and I have asked many times on the record in committee hearings that those reasons are, what it is, what the discrepancies, what the problems are for which we need to subpoena people in the White House and create a showdown, a showdown between our institution and the White House. And I ask the gentleman, as the chairman of the committee has just risen to his feet, and I would love to yield to him if he is willing to answer that question: What are the discrepancies?

Mr. CONYERS. We don't know because we can't get one sheet of paper from Mr. Bolten and nobody else will talk to us. That's precisely why we were forced to this position, sir.

Mr. CANNON. Reclaiming my time, Madam Speaker, I appreciate the gentleman's candor, and I appreciate the very gracious way the gentleman has said that eloquently in the past on many occasions. But we are now talking about getting a subpoena, enforcing a subpoena in a criminal process against people for whom we have no evidence, as far as I can tell, and I will be happy to yield to the gentleman if he has evidence, no evidence that they have been involved.

There are no discrepancies in the testimony that we have had before us, is there?

Mr. CONYERS. If the gentleman is so kind to yield again, we don't have any evidence. We aren't accusing them of anything; sir. We're merely seeking the documents that could be relevant to the determination of whether the Department of Justice has been politicized.

Mr. CANNON. Reclaiming my time, Madam Speaker, I appreciate the gentleman's candor, and I appreciate the very gracious way the gentleman has handled this whole investigation. But it comes back down to this: we have no evidence.

Let me just finish by saying that having seen this, if there was a conspiracy, the majority's beliefs there is something evil that is happening out there, then we ought to have given enough time and enough context to be able to track that down and prove that this administration has done something wrong.

As opposed to what the gentleman has just said, we have had a number of statements by the chairman of this committee saying that there is evidence of corruption. But we have had no evidence of corruption, none at all; and, I must add, anywhere from all the investigations we have done, and there is no basis for these contempt citations. I ask that we vote against them.


HON. LAMAR S. SMITH, Ranking Member, Committee on the Judiciary, House of Representatives, Washington, DC.

Dear Mr. Cooper & Kirk: As a response to your request for our views regarding the legal issues raised by the Judiciary Committee's resolution recommending that the House of Representatives find Harriet Miers and Joshua Bolten in contempt of Congress. Each of us has had substantial experience in the Executive Branch, Office of Legal Counsel. Charles J. Cooper served as Assistant Attorney General for the Office of Legal Counsel from 1985 through July 1988. Howard C. Nielson, Jr. served as Deputy Assistant Attorney General for the Office of Legal Counsel from June 2003 through August 2005. This law firm has successfully litigated a number of significant separation of powers cases.

We have reviewed the opinions of the Justice Department's position regarding the assertion of executive privilege and testimonial immunity in response to the Miers and Bolten subpoenas. We have also reviewed the committee report relating to this matter, the additional views of the Chairman and Subcommittee Chair, and the minority views. The positions asserted by the Administration reflect the longstanding and considered views of the Executive Branch, views repeatedly affirmed by Administrations of both political parties. As a result, when a resolution is referred to the appropriate United States Attorney, the United States Attorney will have no choice but to decline to take action on the matter. It has long been the position of the Executive Branch that "the criminal contempt of Congress statute does not apply to the President or presidential subordinates when they assert executive privilege." Application of 28 U.S.C. 458 to Presidential Appointments of Federal Judges, 19 Op. O.L.C. 356, 356 (1995) (opinion of Assistant Attorney General Walter Dellinger). As then-Assistant Attorney General Theodore B. Olson explained the position of the Executive Branch in 1994: "Any matter of executive interpretation reinforced by compelling separation of powers considerations, we believe that Congress may not direct the Executive to prosecute against particular individuals, as long as having any discretion to the Executive to determine whether or not there is a violation of the law has occurred. Second, as a matter of statutory interpretation, and the constitution of powers, we believe that the contempt of Congress statute was not intended to apply and could not constitutionally be applied to an Executive Branch official who asserts the President's claim of executive privilege in this context."

Prosecution for Contempt of Congress of an Executive Branch Official Who Has Asserted a Claim of Executive Privilege, 8 Op. O.L.C. 101, 102 (1984); see also id. at 119, 129 (denying similar claims brought by the Eisenhower and Ford Administrations).

While the Chairman and Subcommittee Chair note that Justice Department opinions such as the Dellinger and Nielson opinions are not binding on Congress or the Judiciary, such opinions are binding on members of the Executive Branch. We refer to United States Attorney to whom a contempt citation would be referred. Furthermore, because a prosecutor's "decision whether or not to prosecute, is made in his discretion," Wayne v. United States, 470 U.S. 598, 607 (1985), it is highly unlikely that Congress could obtain any sort of judicial review of the decision of the United States Attorney to submit the contempt citation to a grand jury.
Assuming Congress could somehow obtain judicial review of the claim of executive privilege, we believe that it could not overcome that claim on the facts presented here. To be sure, a majority of judicial precedents involving presidential authority resolving executive privilege disputes between Congress and the Executive; still, the following factors should persuade a court to uphold the claim of executive privilege here.

First, the threshold arguments that executive privilege has been improperly invoked to protect the communications at issue here appear insubstantial. The Chairman and Subcommittee Chair have identified communications that unrelated to presidential duties and none—requiring the Executive Branch to submit a privilege log to sustain a claim of executive privilege in a legislative proceeding. See In re Sealed Case, 121 F.3d 729, 744, n.16 (D.C. Cir. 1997). And In re Sealed Case clearly established the privilege in the context of communications with the President’s immediate advisors are absolutely immi

Second, there is nothing novel or unprecedented in the claim of privilege here. On the contrary, historical precedents support the Administration’s refusal to disclose confidential communications and deliberations relating to the appointment or dismissal of executive officers. For example, as early as 1886, the Cleveland Administration rejected Congress’s attempt to obtain communications concerning the dismissal of a district attorney (the historical predecessor of today’s U.S. Attorneys). As President Cleveland explained, “the documents related to an appointment and removal (in Executive Branch official) which was exclusively a discretionary executive function.” History of Refusals by Executive Branch Officials to Provide Information Demanded by Congress, 6 Op. O.L.C. 751, 767 (1982) (opinion of Assistant Attorney General Theodore B. Olson); see also id. at 758-759 (discussing similar refusal to provide information regarding the appointment or removal of executive officers by the Jackson and Tyler Administrations). Furthermore, D.C. Circuit precedent respecting the executive privilege expressly recognizes that “confidence is particularly critical in the appointment and removal context.” In re Sealed Case, 121 F.3d 729, 766 (1997).

Third, when the judiciary has adjudicated executive privilege disputes between Congress and the Executive, it has required Congress to establish that the information it seeks “is demonstrably critical to the responsibilities of [Congress’s] functions and fundamental claims underlying the existence of executive privilege. Senate Select Committee on Presidential Campaign Activities v. Nixon, 408 F.2d 725, 731 (D.C. Cir. 1970) (en banc) (‘the factual context is not sufficient enough for Congress to show that the information it desires ‘may have some arguable relevance’ to the subject matter of the investigation and that it ‘will actually be put to use’ in furtherance of the investigation’). Id. at 732. Rather, it must identify “specific legislative decisions that are contingent on access to materials uniquely contained in the documents or testimony it seeks.” Id. For example, the D.C. Circuit has held that even if the President were not a party to the communications over which the government seeks to exercise its presidential privilege, the communications nonetheless are intimately connected to his presidential decisionmaking.” Id. at 752.

To be sure, there is a paucity of judicial authority, and none, that can appropriately control the present Executive privilege case. As the D.C. Circuit has explained, “given the voluminous documentary evidence and testimony already provided by the Executive Branch—not to mention the additional documents and testimony that the White House has offered to make available in response to your resolution, see e.g., Letter of Fred F. Fielding to Chairmen Leahy and Conyers at 1-2 (June 28, 2007)—it seems clear the lingering factual ambiguities identified by the Chairman and the Subcommittee Chair are inadequate to overcome even a generalized claim of executive privilege under controlling precedent. Id. at 752. Indeed that effect is precisely what this litigation seeks to accomplish: to prevent Congress from discovering that certain named individuals did or did not commit specific crimes...” Senate Select Committee, 498 F.2d at 732. Cf. Nixon, 418 U.S. at 713 (stating that access to specific facts a criminal prosecution may be totally frustrated.”).

Given the voluminous documentary evidence and testimony already provided by the Executive Branch—not to mention the additional documents and testimony that the White House has offered to make available in response to your resolution, see e.g., Letter of Fred F. Fielding to Chairmen Leahy and Conyers at 1-2 (June 28, 2007)—it seems clear the lingering factual ambiguities identified by the Chairman and the Subcommittee Chair are inadequate to overcome even a generalized claim of executive privilege under controlling precedent. Id. at 752. Indeed that effect is precisely what this litigation seeks to accomplish: to prevent Congress from discovering that certain named individuals did or did not commit specific crimes...” Senate Select Committee, 498 F.2d at 732. Cf. Nixon, 418 U.S. at 713 (stating that access to specific facts a criminal prosecution may be totally frustrated.”).

The Justice Department’s determination that Ms. Miers is immune from compelled testimony to testify concerning the dismissal of a district attorney (the historical predecessor of today’s U.S. Attorneys). As President Clinton explained, “the documents related to an appointment and removal (in Executive Branch official) which was exclusively a discretionary executive function.” History of Refusals by Executive Branch Officials to Provide Information Demanded by Congress, 6 Op. O.L.C. 751, 767 (1982) (opinion of Assistant Attorney General Theodore B. Olson); see also id. at 758-759 (discussing similar refusal to provide information regarding the appointment or removal of executive officers by the Jackson and Tyler Administrations). Furthermore, D.C. Circuit precedent respecting the executive privilege expressly recognizes that “confidence is particularly critical in the appointment and removal context.” In re Sealed Case, 121 F.3d 729, 766 (1997).

The view also reflects the position of the Johnson and Truman Administrations. See History of Refusals, 6 Op. O.L.C. at 771-72, 777-78. And as documented by the Justice Department in its opinion regarding Ms. Miers, the Executive Branch—including, again, Administrations of both parties—have long taken the position that the same immunity extends to former Presidents and their Advisors. See Memorandum from Stephen G. Bradbury, Principal Assistant Attorney General, Office of Legal Counsel, Re: Immunity of Former Counsel to the President from Compelled Testimony at 2-3 (July 10, 2007) (documenting positions taken by the Truman, Johnson and Truman Administrations). In short, we believe the President’s assertion of executive privilege and testimonial immunity in this instance are entirely consistent with the finest traditions of this body.

In November 2006, the American people decided to give the Democrats the control of the House of Representatives and the Congress. I was fortunate enough to be elected as one of the 43 new Democrats in that class.

Many people, including myself, were elected because of the war in Iraq. But that’s not what I heard. What I heard when I was campaigning in 2006, and I think most of my colleagues in this class would say the same thing, is we want to return the Government to the tenets of the Constitution. We want to restore the checks and balances that the Founding Fathers prescribed. We want to make sure that this President and every other President who is held accountable, is not above the law.

So when we came here, one of the things we did was to start talking about article I, which established that all legislative powers here in Washington shall be vested in a Congress of the United States. We started wearing these buttons, article I buttons, and we offered them to Members of both parties, hoping that this would not be a partisan issue and that it would transcend partisanship but, instead, a respect for the integrity of this institution.

Unfortunately, most of my colleagues on the other side chose not to wear these buttons. They have chosen to obstruct this process, in spite of the fact that during the last 6 years before we took control of the Congress, no subpoenas were issued against this President. No efforts to hold him accountable, is not above the law.

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So, unfortunately, this has become a partisan issue when it shouldn’t be. To me this is all about institutional integrity, about restoring the checks and balances.

Fundamental to our power, legislative ability to get information. If we do not stand up for our right to gather information, then in spite of the fact that my colleagues on the other side have said we may lose our prerogatives if we go to court, if we don’t challenge the President on this issue, we surrender our prerogatives; and that is the worst fate that we could commit this body to.

So I would say, in closing, that many people look at polls today and say the standing of the Congress is at its lowest ebb ever, and they say maybe that’s because we are not doing anything. I think it’s because the American people recognize that we have been negligent in not upholding our responsibilities under the Constitution.

This is an important step in restoring the integrity of this institution and restoring the confidence of the American people in this body in its willingness to respond to the dictates of the Constitution.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Madam Speaker, rather than spinning our wheels on this issue, which is such an important issue that we should be dealing with today, and the very safety of our Nation is at issue. I’m disappointed that we have reached the point in this House that reasonable minds could not prevail on an issue that involves the very safety of the American people.

Last August Congress passed, and the President signed into law, the Protect America Act. This critical legislation closed the gaps which had previously caused the intelligence community to miss more than two-thirds of all overseas terrorist communications, finally allowing the United States to stay one step ahead of the terrorists.

The Senate amendments to H.R. 3773 would enable law enforcement and the intelligence community to continue their counterterrorism efforts, including working with telecommunications companies and allowing officials to gather intelligence from potential foreign terrorists outside the United States.

At the same time, this bill is mindful of our Constitution and the protections it affords to U.S. citizens, whether they are inside or outside the United States. Furthermore, the authority provided by the bill would sunset in 6 years, allowing Congress to revisit any issues that might arise.

We cannot afford to let the terrorists, particularly those who are conspiring abroad, to have the upper hand. Our law enforcement and intelligence communities must have every resource available to do their jobs in keeping this Nation safe. I urge my colleagues to support the United States, not the terrorists, by passing the Senate amendments to H.R. 3773.

And I thank the gentleman from Florida for yielding.

Ms. SLAUGHTER. Madam Speaker, I yield 1 minute to the gentleman from Michigan (Mr. CONyers), Chair of the Judiciary Committee.

Mr. CONYERS. Madam Speaker, I wanted to respond, or continue our discussion that was raised by the gentleman from Utah. As a matter of fact, in our resolution recommending that contempt of Congress be issued, we found plenty of evidence of wrongdoing in the Department of Justice, nearly 100 pages of it. This was voted out of the committee. For example:

The decision to fire or retain some U.S. attorneys may have been based in part on whether or not their offices were pursuing or not pursuing public corruption or vote fraud cases based on partisan political factors;

Department officials appear to have made false or misleading statements to Congress, many of which sought to minimize the role of White House personnel in the U.S. Attorney firings.

Actions by some department personnel may have violated civil service laws.

EXECUTIVE SUMMARY

To date, the committee’s investigation, which has reviewed materials provided by the Department of Justice in depth and obtained testimony from 20 current and former Department of Justice attorneys, has uncovered serious evidence of wrongdoing by the Department and White House staff with respect to the forced resignations of U.S. Attorneys during 2006 and related matters. This includes evidence that: (a) the decision to fire or retain some U.S. Attorneys may have been based in part on whether or not their offices were pursuing public corruption or vote fraud cases based on partisan political factors, or otherwise bringing cases which could have an impact on pending elections; (b) attempts by some White House officials to have made false or misleading statements to Congress, many of which sought to minimize the role of White House personnel in the U.S. Attorney firings; and (c) actions by some Department personnel may have violated the Committee’s investigation, and with some participation by White House personnel; and (c) actions by some Department personnel may have violated the Committee’s investigation, and with some participation by White House personnel.

Based on this evidence, and because of the apparent involvement of White House personnel in the U.S. Attorney firings and their aftermath, the committee has sought to obtain relevant documents from the White House and has also directed its investigation from former White House Counsel Harriet Miers—who appears to have been significantly involved in the matter—on a voluntary basis. The White House has refused efforts to obtain a compromise, on a compulsory basis. The committee’s subpoenas have been met with consistent resistance, including white-weighing in opposition to the issuance of subpoenas citing executive privilege and immunity from testimony. This has gone so far that the administration indicated in July that it would refuse to allow the District of Columbia U.S. Attorney’s office to pursue any congressional contempt citation against the White House’s wishes. In addition to the many inimperatives and deficiencies in the manner in which the White House Counsel has sought to assert executive privilege, in the present circumstance such privilege claims would be subject to the committee’s need to obtain such information.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I would ask the distinguished Chairwoman how many speakers she has remaining.

Ms. SLAUGHTER. Possibly five, Madam Speaker.

The SPEAKER pro tempore. The gentleman from Florida has 4 minutes remaining. The gentleman from New York has 10 minutes remaining.

Mr. LINCOLN DIAZ-BALART of Florida. I reserve at this time.

Ms. SLAUGHTER. I am pleased to yield 2 minutes to the gentleman from Ohio (Ms. SUTTON) who serves on both the Committee on Rules and Judiciary.

Ms. SUTTON. Madam Speaker, let us recall what this is all about. We are here today because the now-resigned Chief of Staff to former attorney, Alberto Gonzalez, ran a plan over a period of just under 2 years during which he maintained a revised list of U.S. attorneys to be fired or retained. If prosecutors were placed on this list for political reasons, or alternatively kept off because of a willingness to engage in political prosecutions, these actions not only improper and illegal, but they constitute criminal abuse. These are serious allegations, and we have a constitutional duty to pursue this proceeding today.

The process is not only entitled to look into this matter, we must conduct a thorough oversight of the executive branch. Now, some of my colleagues argue that the United States attorneys serve at the pleasure of the President. However, it is very critical to note that throwing out this term, “at the pleasure of the President,” may be accurate in the sense that the President may fire somebody for no reason, Alberto Gonzalez can fire somebody for no reason, but they constitute criminal abuse. These are serious allegations, and we have a constitutional duty to pursue this proceeding today.

Mr. GONZALEZ can fire somebody for no reason, but if he is firing them not because of a willingness to engage in political prosecutions, these actions are not only improper and illegal, but they constitute criminal abuse. These are serious allegations, and we have a constitutional duty to pursue this proceeding today.

And that is what we are looking at here. The Committee on the Judiciary Chairman CONYERS testified yesterday that he pursued documents from the White House and the testimony of Ms. Miers and from Mr. Bolten for 8 long months, and in return the White House did not provide a single document and specifically directed Ms. Miers and Mr. Bolten to ignore the Judiciary Committee’s subpoenas citing executive privilege.

This is not a situation of exerting executive privilege, because Ms. Miers did not even show up for the hearings that they had even ordered to appear to assert that claim. Furthermore, Madam Speaker, it is one thing for them to decline to answer certain questions based on a claim of executive privilege; it is an entirely different matter to defy even orders to appear.

Mr. LINCOLN DIAZ-BALART of Florida. I continue to reserve, Madam Speaker.
Ms. SLAUGHTER. Madam Speaker. I yield 2 minutes to the gentleman from Tennessee (Mr. COHEN), a member of the Judiciary Committee.

Mr. COHEN. I appreciate the time. I do serve on the Judiciary Committee, and I looked up my chair, to appear in person, to allege a privilege is one thing. Not to show up is the uttermost peak of contempt that a person could have for the Congress and for the legislative body. She didn’t even send a little note. Ms. Miers regrettably cannot attend your hearing.

This is the highest contempt. We are representatives of the people, and we are upholding the Constitution and our jobs as being an equal branch of government, which this legislative body is, and there is no such thing as an imperial Presidency, and no one is above the law.

Mr. LINCOLN DIAZ-BALART of Florida. I continue to reserve.

Ms. SLAUGHTER. Madam Speaker. I am pleased to yield 1½ minutes to the gentleman from Florida (Mr. WEXLER) from the Judiciary Committee.

Mr. WEXLER. Madam Speaker, no one is immune from accountability and the rule of law, not Harriet Miers or Josh Bolten, and especially not President Bush or Vice President Cheney.

It is high time to defend the Constitution and Congress as a coequal branch of government. Our liberty and freedoms as Americans are dependent upon the checks and balances that protect our Nation. Not since Watergate, not since Watergate has a President so openly disregarded the will of Congress. Josh Bolten and Harriet Miers have blatantly ignored congressional subpoena, thumping their nose at Congress and our obligation of legitimate oversight.

The power of the congressional subpoena safeguards our liberty. It protects against an all-powerful President. The Constitution demands that we hold these renegade officials in contempt of Congress.

Thank you, Madam Chairman.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members that the wearing of communicative badges is not in order while under recognition.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker. I continue to reserve.

Ms. SLAUGHTER. Madam Speaker. I yield 2 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) of the Judiciary Committee.

Ms. WASSERMAN SCHULTZ. Madam Speaker. I rise today in support of this resolution. I urge my colleagues on both sides of the aisle as Members of a coequal branch of government to issue these contempt citations to members of the Bush administration who clearly feel that they are above the law.

Last year, when the Judiciary Committee was legitimately investigating the political purge of U.S. attorneys and conducting oversight into the politicization of the Justice Department, administration officials not only failed to turn over key documents after receiving subpoenas, they didn’t even bother to show up to testify.

Ms. SLAUGHTER. I deeply frustrate by this administration’s continued stonewalling and, frankly, the contempt that it has shown for Congress. As our former Republican colleague Congressman Mickey Edwards told our committee, the administration’s actions have been outrageous and it continues to erode the separation of powers.

I applaud Chairman CONYERS’ patience and his many attempts to resolve this situation short of the manner in which we will today, but I know that I speak for many of my colleagues when I say enough is enough.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker. I would ask the distinguished chairwoman how many speakers she has remaining.

Ms. SLAUGHTER. I believe I have just one. And so I will yield ½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE) of the Judiciary Committee.

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

Ms. JACKSON-LEE. Madam Speaker, I thank my colleagues of the Judiciary Committee, and I thank my colleagues of the Rules Committee.

Madam Speaker, I stand on this floor with a very heavy heart. It is a heavy heart compounded by the fact that Harriet Miers is my friend. We practiced law together in the State of Texas. We worked together. And so it is very difficult to stand here today and to acknowledge what is an enormous disdain for our Government, and that is the lack of recognition of the constitutional premise of the three equal branches of Government. I came yesterday to talk of the embeddedness of the Constitution not only in many books but also in the hearts of Americans. When I go home to Texas, people still ask the question: What are you doing about the U.S. attorney situation? What happened to the fairness and integrity of the appointment process? What happened to Ms. Miers’ list? The American people want to know. We are now doing their bidding. They want us to be able to clear the air.

As a member of the Judiciary Committee, let me tell you, JOHN CONYERS has the heart and soul of a coequal branch of government. Over and over again, and Chairwoman SANCHEZ, over and over again, working with Ranking Member CANNON, said that we wanted to do this in a way that you could come and give information, that information is the 30th Amendment. We will then try to find out the truth.

We come here with a broken heart, a humble spirit, but with the Constitution deeply embedded in our heart, recognizing that there is nothing to protect if the President says that he is not involved.

Let the Constitution stand. Let us do what we are supposed to do. My friends, vote for this in a bipartisan way so that the Constitution remains sacred in our hearts and in this country.

Madam Speaker, I rise today in strong support of H. Res. 982, which provides that upon adoption of the rule, both H. Res. 979 recommending that the House of Representatives authorize White House Counsel Harriet Miers and White House Chief of Staff Joshua Bolten in contempt of Congress for their refusal to comply with subpoenas issued by the Committee on the Judiciary and H. Res. 980—Authorizing the Committee on the Judiciary to initiate or intervene in judicial proceedings to enforce certain subpoenas—both of which the resolutions were introduced by my distinguished colleague from Michigan, the Honorable JOHN CONYERS, Jr.

H. RES. 979

This resolution highlights the accountability issues that this body has continued to have with the Bush administration. This committee made attempt after attempt to secure critical information voluntarily from both former White House Counsel Harriet Miers and White House Chief of Staff Joshua Bolten. At no point did they cooperate and fulfill with our requests. Even as this committee directed their appearance by subpoena, the White House sought to avoid our inquiries by citing executive privilege.

Instead, the White House offered this committee a very limited inquiry, completely controlled by providing: (1) virtually no access to internal White House documents, (2) no questioning regarding internal White House discussions, and (3) no intervals or transcripts. The White House is not bluffing with this act of defiance. Rather, it seems the Bush administration wants to test, and attempt to expand, the limits of presidential power.

Madam Speaker, it was on July 12, 2007 that the subcommittee on Oversight and Government Reform held a hearing to call on the subcommittee to Subcommitteecommittee on Oversight and Governmental Affairs to investigate the removal of U.S. attorneys by the Bush administration, and did not attend. That same day, the subcommittee’s chair, the Honorable LINDA SANCHEZ, undertook the preliminary steps necessary to declare Miers in contempt. The subcommittee voted 7–5 that there was no legal justification for Ms. Miers’ failing to appear pursuant to the subpoena.

Notwithstanding this blatant affront to the House Judiciary Committee, Republican Members allowed party affiliation to trump institutional responsibility, just as they had when they controlled Congress. The Majority continues to make excuses for the Bush administration’s defiance, and appears content to let the President slight the subcommittee by instructing both Ms. Miers and Mr. Bolten not to testify.

H. RES. 980 AND CONGRESSIONAL OVERSIGHT

Congressional oversight is an implied rather than an enumerated power. My colleagues across the aisle may make the argument that nothing explicitly grants this body the authority to conduct inquiries or investigations of the
Executive, to have access to records or materials held by the Executive, or to issue subpoenas for documents or testimony from the Executive.

However, congressional investigations sustained and vindicate our role in our constitutional scheme of separated powers. The history of congressional investigations from the failed St. Clair expedition in 1792 through Teapot Dome, Watergate, and Iran-Contra, has established, in law and practice, the nature and contours of congressional prerogatives necessary to maintain the integrity of the legislative process. Numerous Supreme Court precedent recognizes a broad and encompassing power in this body to engage in oversight and investigation that would reach all sources of information necessary for carrying out its legislative function. Without a countervailing constitutional privilege or this body self-imposing a statutory restriction on our authority, this chamber, along with our colleagues in the Senate, have plenary power to compel information needed to discharge our legislative functions from the Executive, private individuals, and corporations.

In McCrarin v. Daughters, 1927, the U.S. Supreme Court deemed the power of inquiry, with the accompanying process to enforce it, “an essential and appropriate auxiliary to the legislative function.” Senate Rule XXVI, 26, and House Rule XI, 11, presently empower all standing committees and subcommittees to require the attendance and testimony of witnesses and the production of documents. This chamber was given an implied power of oversight by the U.S. Constitution; that power has been supported by our 3rd branch of government, the Supreme Court. We ourselves have expressed this authority in our Senate and House Rules, and yet two attorneys under the direction of the White House continue to tell us we do not have the proper authority.

H.R. 5230: CONTEMPT OF THE HOUSE OF REPRESENTATIVES SUBPOENA AUTHORITY ACT OF 2008 [110TH]

On February 6, I introduced legislation that would amend Title 28, of the United States Code and grant this chamber the statutory authority to compel the attendance and testimony of witnesses with respect to any deposition or other testimonial matter, which is within view of the U.S. Constitution; that power has been supported by the other branches of government, the Supreme Court. We ourselves have expressed this authority in our Senate and House Rules, and yet two attorneys under the direction of the White House continue to tell us we do not have the proper authority.

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Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I move that the House do now adjourn.

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Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I move that the House do now adjourn.
Mr. McHUGH. Ms. McCOLLUM of Minnesota, Messrs. Lincoln Davis of Tennessee, Higgins, Statak, Mrs. MUSGRAVE, Mrs. RUSH, and Ms. BERKLEY changed their vote from "aye" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. GENE GREEN of Texas. Madam Speaker, on rollover No. 59, had I been present, I would have voted "nay."

Ms. SOULIS. Madam Speaker, during rollcall vote No. 59, on the motion to adjourn, I was unavoidably detained. Had I been present, I would have voted "nay."

The SPEAKER pro tempore. The gentleman from Florida has 2 minutes remaining; the gentleman from New York has 3½ minutes remaining.

Ms. SLAUGHTER. I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I yield the balance of our time to the distinguished minority leader, the gentleman from Ohio.

Mr. BOEHNER. Madam Speaker and my colleagues, many of you have heard me say on numerous occasions that I think the American people sent us here to work together to get things done on behalf of our country.

Over the last couple of weeks, we have had an opportunity with the economic growth package to work in a bipartisan way on behalf of the American people, and I really think it showed our Chamber and Congress at its best. But I don’t think there is any priority that we have that is more important than protecting the American people.

For more than 6 months, we have reached out to the majority on the Foreign Intelligence Surveillance Act because we want to give our intelligence officials all the tools they need to protect us. That bill that was passed in late July expired on February 1, and several weeks ago we provided an extension that runs out on Saturday. But for the last 6 months, as we have tried to come to an agreement on this bill, we have reached out to the majority, trying to find common ground, and we have had every opportunity.

This week, the President, the Senate, and, frankly, a majority of the Members of this House have said enough is enough, no more extensions. But instead of working with the Republicans and Democrats who are interested in working on this bill that would protect our country and protect the American people by passing the bipartisan Senate Foreign Intelligence Surveillance bill, the House floor is the scene of a partisan political stunt.

Yesterday, the majority leader said that this political stunt would occur today because we have space on the House schedule. In other words, we have space on the calendar today for a politically charged fishing expedition, but no space for a bill that would protect the American people from terrorists who want us to kill.

Earlier today, the President announced that he would delay his trip to Africa, a long-planned trip. He would delay it so he could work with us to sign the long-term Foreign Intelligence Surveillance Act modernization law into law—House Republicans stand ready to stay here as long as it takes to get this bill passed and get it to the President’s desk.

Ladies and gentlemen, we will not stand in the way of the floor being abused for purely political grandstanding at the expense of our national security. We will not stand for this, and we will not stay for this. I would ask my House Republican colleagues and those who believe that we should be here protecting the American people not vote on this bill; let’s just get up and leave.

MS. SLAUGHTER. Madam Speaker, this is an interesting turn of events. They are apparently attaching no importance to the floor being abused for pure political grandstanding at the expense of our national security. They assert that we are not passing the Foreign Intelligence Surveillance Act. They assert that, but they all voted to a person not to give us the time to perform our extraordinarily important duties in resolving the differences between the Senate and the House in a conference committee.

Now, I will tell my friends on the Republican side of the House, they know as well as I do that the reason the Senate did not pass us a bill 3 months after we passed our bill to them was because of Republican delay in the United States Senate. That’s the reason this bill is so late getting to us. That is the reason they refuse to give us the time to work it out. That is the reason we are not passing legislation.

Now, the President asserts that the expiration of the Protect America Act will pose a danger to our country. The former National Security Council Advisor on Terrorism says that is not true. Former Assistant Attorney General Wainstein says that is not true. Numerous others, and the chairman, have asserted that is not true. Why is it not true? Because FISA will remain in effect.

The authority given under the Protect America Act remains in effect. And if there are new targets, a FISA...
Court has full authority to give every authority to the administration to act.

So I tell my friends, we are pursuing the politics of fear, unfounded fear; 435 Members of this House, and every one of us, every one of us, wants to keep America and Americans safe. Not one of us wants to subject America or Americans to danger.

The President’s assertion is wrong. I say it categorically; the President’s assertion is wrong. Now the President says he is going on a trip to stay here and work with us. I know Mr. REYES and Mr. CONYERS will be contacting Mr. ROCKEFELLER and Mr. LEAHY to discuss with them how we might move forward. They in turn will talk with their Republican counterparts, as well, to see how we can move forward.

But the time that we asked for, less than 24 hours after the Senate passed us a bill, the time we asked for to elect this process, which is the normal legislative process to bring the Senate and the House together to fashion a bill. There is no precedent, we know that both Houses feel comfortable with, feel is good for America, was denied to us yesterday by unanimous vote by the minority party and gave us no time to accomplish that objective.

The President said he was going to veto it, which is why I presume all of you voted against it, because, of course, in the first 6 years, we never passed anything to the President that he wasn’t supportive of. We were a very cooperative Congress with this President. This President is not used to the Congress saying, We may have a different view, Mr. President. We, too, have a responsibility and we may see it slightly differently than you.

But, yes, as the leader on the other side said, we have come together. We worked together. We passed a stimulus package together. We can do that on this bill. But we can’t do it overnight. This matter is much too serious to do it overnight.

My friend from the Rules Committee indicates that this does not give us full time for debate on this rule. He opposes this rule. The interesting thing is he says contrary, we ought to be considering something overnight, overnight, without any time to consider it in conference.

The minority has now effected a strategy that they tried to use on the agriculture bill: let’s work, but by the way, we are leaving. And why are we leaving? We are leaving so we can preclude a majority responding to a quorum call and if a majority does not respond, we will have to go out of session. So it is somewhat ironic that on the one hand they say we ought to be doing something, and on the other hand they walk out to preclude us from doing our business.

Mr. DREIER. Madam Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Maryland.

Mr. DREIER. Madam Speaker, I simply rise to say that my very good friend, the distinguished gentleman from Maryland, is incorrect when he said that we are asking for a measure to be considered overnight. On Tuesday of this week, this measure was sent to this House. We have had an opportunity, as we have looked at the issue of FISA modernization since July of this past year to get it done, and there is an urgency at this moment. So it has not been overnight.

I thank the gentleman for yielding.

Mr. HOYER. Madam Speaker, I thank the gentleman for his comment. There is no urgency. That claim is a claim made to stymie this House and the American people, I tell my friend from California. And the reason that there is no urgency is because in 1978 this Congress passed legislation to ensure the fact that we could intercept communications while at the same time protecting our Constitution. That is why there is no urgency.

Is there a just reason to act? There is. Do we have every intention of acting? We do. But we will not be presented with a bill on Tuesday night and be asked to pass it on Wednesday afternoon without full and fair consideration. That is our duty, that is what we do. We have a responsibility, and that is what we will do.

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

Ms. SLAUGHTER. Madam Speaker, I began my speech today by saying we must not always live our lives hoping simply to land on a safe square. Some votes may be tough. This one isn’t. The first thing even before this Congress is swear to uphold the Constitution of the United States. That is what we are asking you to do today on both sides of the aisle. For some of our friends, it is obviously easier for them to pass; they would rather not vote on this. But for the rest of us, let us stand up to our duty, why we were sent here, and reassert that the Congress of the United States is a co-equal branch, and vote “yes” on this.

Mr. NADLER. Madam Speaker, I rise today in support of the contempt resolutions. Unfortunately, these resolutions are necessary for Congress to meet its Constitutional obligations and conduct oversight and investigations. We provided many opportunities for the administration to avoid this situation. But here we are.

We are here today to consider issuing contempt citations for former White House Counsel Harriet Miers and White House Chief of Staff Josh Bolten for their failure even to appear at hearings. Federal law provides clear authority to the House to compel testimony and other evidence in support of the contempt resolutions. Untested officials and former officials to ignore an important inquiry under way in the House today. We must choose between recognizing and supporting the constitutional role of Congress, or allowing the administration to direct officials and former officials to ignore important inquiry under way in the House.

At this crucial moment in our nation’s history, it is more important than ever to maintain the balance of powers between the federal government’s executive and legislative branches. That balance was carefully designed by the Founders, and we have consistently seen through the years the wisdom of that arrangement. Over the past several years, we witnessed first-hand the unfortunate and regrettable consequences when that balance was disturbed, and Congress failed to carry out its oversight responsibilities. The American people deserve better.

That is why I cast my vote today not only to support the centuries-old role of the House under the Constitution, but for greater transparency, greater accountability, and to ensure the fair administration of federal law. Once the facts...
are known, the House can make an informed judgment about what course of action is best. Until we learn what the administration knows, but isn’t willing to share with the Congress, we cannot form a final judgment in this matter.

Mr. UDALL of Colorado. Madam Speaker, I regret that it is necessary for the House to consider this matter today, but I will support the resolution because I have concluded that the Bush administration has made it necessary to do so. When this is disposed of, I hope we can promptly return to the pressing needs of the American people that Congress needs to address.

Last year, the Judiciary Committee began reviewing the actions of the administration related to the firings of a number of U.S. Attorneys—and it appears that this was part of a pattern of improper politicization of the Justice Department.

After failing to get requested information voluntarily, the Committee served subpoenas on then-White House Counsel Harriet Miers and Chief of Staff Josh Bolten. The president invoked executive privilege and Ms. Miers and Mr. Bolton, despite the subpoenas, refused to appear before the Committee. In response, the Judiciary Committee approved a resolution citing them both for contempt of the Congress. I am not a lawyer and certainly not an expert on questions of executive privilege. But it seems clear to me that the administration has refused to negotiate in good faith to resolve this matter, offering only to allow some inter- view under severe restrictions, including a bar to keeping of transcripts.

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This is not the first time Congress has sought information from a president’s advisors. The Congressional Research Service reports there have been 74 instances since World War II where even sitting White House advis- ers, including White House counsel, have tes- tified before Congress, including 17 between 1996 and 2001. But I am not aware of any in- stance in which executive privilege has been invoked as a reason why a former advisor—such as Ms. Miers and Mr. Bolton—refused to testify. For example, we allow Ms. Miers and Mr. Bolton to even appear before a Congressional committee in appearance before a Congressional committee in response to a subpoena.

And I am not persuaded by the administra- tion’s explanations about why it refused to allow Mr. Bolten to testify. Mr. Bolten, let alone testify. For example, we allow Ms. Miers and Mr. Bolton to even appear before a Congressional committee in response to a subpoena.

After reviewing the history of this matter, I find myself in agreement with someone who is both a lawyer and a distinguished former Member of Congress—Mickey Edwards, who during his service here as a Representative from Oklahoma chaired the Republican Policy Committee.

Commenting on this matter, he has written, “If Congressional leaders are not able to per- suade the administration to reverse its position and agree to let Mr. Miers to testify and Mr. Bolton to produce documents, then all Members of Congress, regardless of party, should insist that the subpoenas be enforced promptly and vigorously and to use civil litigation if, as the White House has hinted, it prohibits the D.C. U.S. Attorney from performing his enforcement duties.”

I agree, and because that is exactly the pur- pose of this resolution, I will vote for it.

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

AMENDMENT TO H. RES. 982 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

Strike all after the resolved clause 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. 773) to be known as the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes, and amendment thereto, shall be considered to have been taken from the Speaker’s table. A motion that the House concur in the Senate amend- ment 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 on the previous question on 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, 1929, to the effect that “the refusal of the House to sustain the de- mand to include in the previous question the control of the resolution to the opposition” in order to offer an amendment. On March 15, 1929, a member of the majority party offered a 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. Fitz- gerald, 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 im- plications whatsoever.’’ But that is not what they have always said. Listen to the defini- tion of the previous question used in the Floor Procedures Manual published by the Rules Committee in 106th Congress, (page 56). Here’s how the Rules Committee described the rule using information from Congressional Quarterly’s ‘‘American Con- gress.’’ ‘‘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 subtitle of which is 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, sec- tion 21.2) Section 21.3 continues: ‘‘Upon re- jection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member lead- ing the opposition to the previous question, who may offer a proper amendment or mo- tion and who controls the time for debate thereon.’’

Clearly, the vote on the previous question on a rule does have substantive policy implica- tions. It is one of the only available tools for those who oppose the Democratic major- ity’s agenda and allows those with alter- native views the opportunity to offer an alter- native plan.

Ms. SLAUGHTER. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered. The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the AYES—223, noes 32, answered "present" 1, not voting 173, as follows:

[Roll No. 60]

AYES—223

Abercrombie
Allen
Andrews
Arcuri
Baca
Baer
Baldwin
Banks
Baucus
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Bowser
Brady (PA)
Boyda (KS)
Bouck
Boucher
Boren
Bowser
Breedlove
Brower
Boyd (FL)
Boyda (KS)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carbajal
Carney
Castañeda
Chaffetz
Clarke
Clay
Claytor
Clyburn
Cohen
Cochran
Cooper
Costello
Courtney
Cramer
Crowley
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
Dembrow
Bean
Becker
Berman
Berry
Bingell
Bishop (GA)
Bipartisan
Boyle (NY)
Boren
Boswell
Boyer (FL)
Boyd (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carbajal
Carney
Castañeda
Chaffetz
Clarke
Clay
Claytor
Clyburn
Cohen
Cochran
Cooper
Costello
Courtney
Hinckley
Hinojosa
Hinojosa
Hodes
Hollen
Honda
Hoyer
Inouye
Israel
DeLauro
Blick
Berman
Bingell
Bishop (GA)
Bipartisan
Boyle (NY)
Boren
Boswell
Boyer (FL)
Boyd (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carbajal
Carney
Castañeda
Chaffetz
Clarke
Clay
Claytor
Clyburn
Cohen
Cochran
Cooper
Costello
Courtney

NAYS—32

Ayers
Altmire
Allison
Andrews
Arcuri
Baca
Baer
Baldwin
Banks
Baucus
Berman
Berry
Bingell
Bishop (GA)
Bipartisan
Boyle (NY)
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Boswell
Boyer (FL)
Boyd (PA)
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Capps
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Cardoza
Carbajal
Carney
Castañeda
Chaffetz
Clarke
Clay
Claytor
Clyburn
Cohen
Cochran
Cooper
Costello
Courtney

Betweenayes 223, noes 32, answered “present” 1, not voting 173, as follows:

[Roll No. 60]
CONGRESSIONAL RECORD — HOUSE
February 14, 2008

H962

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 4 minutes remaining to vote.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:
Ms. SOLIS. Madam Speaker, during rollcall vote No. 50 on H. Res. 992, Contempt on Miers and Bolten, I was unavoidably detained. Had I been present, I would have voted "yea."

The SPEAKER pro tempore. By the adoption of House Resolution 982, House Resolution 979 and House Resolution 980 stand adopted.

The text of House Resolution 979 is as follows:

H. Res. 979

Resolved, That pursuant to 2 U.S.C. 194, the Speaker of the House of Representatives shall certify the report of the Committee on the Judiciary, detailing the refusal of former White House Counsel Harriet Miers to appear before the Subcommittee on Commercial and Administrative Law as directed by subpoena, to the United States Attorney for the District of Columbia, to the end that Ms. Miers be proceeded against in the manner and form provided by law; and it is further

Resolved, That pursuant to 2 U.S.C. 194, the Speaker of the House of Representatives shall certify the report of the Committee on the Judiciary, detailing the refusal of former White House Counsel Harriet Miers to testify before the Subcommittee on Commercial and Administrative Law as directed by subpoena, to the United States Attorney for the District of Columbia, to the end that Ms. Miers be proceeded against in the manner and form provided by law; and it is further

Resolved, That pursuant to 2 U.S.C. 194, the Speaker of the House of Representatives shall certify the report of the Committee on the Judiciary, detailing the refusal of former White House Counsel Harriet Miers to produce documents to the Committee on the Judiciary as directed by subpoena, to the United States Attorney for the District of Columbia, to the end that Mr. Bolten be proceeded against in the manner and form provided by law.

The text of House Resolution 980 is as follows:

H. Res. 980

Resolved, That the Chairman of the Committee on the Judiciary is authorized to initiate or intervene in judicial proceedings in any Federal court of competent jurisdiction, on behalf of the Committee on the Judiciary, to seek declaratory judgments affirming the duty of any individual to comply with any subpoena that is a subject of House Resolution 979 issued to such individual by the Committee as part of its investigation into the firing of certain United States Attorneys and related matters, and to seek appropriate ancillary relief, including injunctive relief.

Sis. 2. The Committee on the Judiciary shall report as soon as practicable to the House with respect to any judicial proceedings which it initiates or in which it intervenes pursuant to this resolution.

Sis. 3. The Office of General Counsel of the House of Representatives shall, at the authorization of the Speaker, represent the Committee on the Judiciary in any litigation pursuant to this resolution. In giving that authorization, the Speaker shall consult with the Bipartisan Legal Advisory Group established pursuant to clause 8 of Rule II.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:
H. Res. 966, by the yeas and nays; H.R. 1834, by the yeas and nays; S. 2571, by the yeas and nays; H. Con. Res. 289, by the yeas and nays; H.R. 4169, by the yeas and nays; H. Res. 790, by the yeas and nays; H. Res. 963, by the yeas and nays; H. Res. 972, by the yeas and nays.

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

HONORING AFRICAN AMERICAN INVENTORS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution. H. Res. 966, 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 Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and agree to the resolution. H. Res. 966.

The vote was taken by electronic device, and there were—yeas 387, nays 0, not voting 41, as follows:
February 14, 2008

CONGRESSIONAL RECORD — HOUSE

H963

Mr. BAIRD. Madam Speaker, I ask unanimous consent that the text of 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 proposed to be adopted under suspension of the rules, be modified by the amendment that I have placed at the desk.

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.

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.

Mr. COLE of Oklahoma. Mr. Speaker, on Thursday, February 14, 2008, I was unavoidably detained and missed rollover vote No. 61. Had I been present, I would have voted "yea" (on motion to suspend the rules and agree to H. Res. 966, honoring African American inventors, past and present, for their leadership, courage, and significant contributions to our national competitiveness).

Ms. SOLIS. Madam Speaker, during rollover vote No. 61 on motion to suspend and pass H.R. 666, honoring African-American inventors, I was unavoidably detained. Had I been present, I would have voted "yea."

SEC. 101. SHORT TITLE.

This Act 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 the ocean environment, and shall support, develop, and transfer 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 Act referred to as the “Administrator”) shall—

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

(3) conduct scientific voyages to locate, describe, and inventory historically important 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 undersea platforms and sensors and autonomous vehicles; and

(6) establish an ocean exploration forum to encourage partnerships and enhanced 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.
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 science, exploration, and discovery;
(3) improve 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 Federal Advisory Committee established under this section.

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) $27,500,000 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

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, marine, and Great Lakes resources.

The Director, in carrying out the program authorized in section 202, shall cooperate with institutions of higher education and other science and oceanic and atmospheric 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 the National Institute for Undersea Science and Technology. Overall direction of the program will be developed by the program director with a Council of Center Directors comprised of the directors of the extramural regional centers and the National Institute for Undersea Science and Technology.

Draft program direction shall be promulgated no later than 1 year after the date of enactment of this Act.

The draft program direction shall be published in the Federal Register for a public comment period, less than 60 days. Final program direction with Agency responses to the comments received shall be published in the Federal Register within 90 days after the close of the comment period. The program director shall update the program direction, with opportunity for public comment, at least every five years.

SEC. 205. REGIONAL CENTERS AND INSTITUTE.

(a) PROGRAMS.—The following research, exploration, education, and technology programs shall be conducted—
(1) to develop the network of extramural regional centers and the National Institute for Undersea Science and Technology;
(2) to support the National Oceanic and Atmospheric Administration’s research mission and programs;
(3) to develop 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) to develop science-based education and outreach programs to encourage ocean science education and public awareness of the oceans and Great Lakes;
(5) to develop, study, and develop of natural products from ocean and aquatic systems;
(6) to improve availability of communications infrastructure, including satellite capabilities, to such programs; and
(7) 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.

(b) BUDGET COORDINATION.—The task force shall coordinate the development of agency budgets and identify the items in their annual budget that support the activities identified in the strategy developed under subsection (a).

Mr. BAIRD (during the reading). Madam Speaker, I ask unanimous consent that the amendment be considered as read.

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

There was no objection.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

NATIONAL OCEAN EXPLORATION PROGRAM ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1834, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. Lipinski) that the House suspend the rules and pass the bill, H.R. 1834, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 352, nays 49, not voting 27, as follows:

[Roll No. 62] YEAS—352

Abercrombie
Adams
AderHolt
Akin
Alexander
Albrittain
Altmire
Andrews
Arrington
Barber
Bass
Bean
Bachman
Bachus
Baird
Baldwin
Bartlett (MD)
Barrow
Bigen
Bilirakis
Bilirakis
Bilirakis
Bilirakis
Bilirakis
Bilirakis
Bilirakis
Mr. PENCE and Mr. LAMBORN changed their vote from "yea" to "nay."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table. Stated for:

Ms. CLARKE, Madam Speaker, during rollcall vote No. 62, on motion to suspend and pass H.R. 1834, authorizing Ocean Exploration Program Act, I was unavoidably detained. Had I been present, I would have voted "yea."

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

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the Senate bill, S. 2571, on which the yeas and nays were ordered. The Clerk read the title of the Senate bill.

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. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 400, nays 0, not voting 28, as follows:
This will be a 5-minute vote. The vote was taken by electronic device, and there were—yeas 403, nays 0, not voting 25, as follows: 

<table>
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<th>Roll No. 64</th>
<th>Votes</th>
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**HONORING AND PRAISING THE NAACP ON ITS 99TH ANNIVERSARY**

The SPEAKER pro tempore. The unfinishing business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 289, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

**QUESTIONS OF PERSONAL PRIVILEGE**

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, pursuant to clause 1 of rule IX. I rise to a question of personal privilege.

**PERSONAL EXPLANATION**

Ms. SLAUGHTER. Madam Speaker, on rollcall vote No. 64, on motion to suspend and pass H. Con. Res. 289, praising the NAACP, I was unavoidably detained. Had I been present, I would have voted "yea."

**ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE**

The SPEAKER pro tempore. The rule that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 289.
The SPEAKER pro tempore. The Chair has been made aware of a valid basis for the gentleman’s point of personal privilege.

The gentleman from Florida is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, it is with great regret, but I must rise today for a question of personal privilege. An article appeared today, Madam Speaker, on the Web site of a publication called The Politico reprinting a statement by a spokesperson for the majority leader of this House describing actions of mine as “incomprehensible” and “unjustifiable” and insinuating that I purposely brought disrespect to the House and to the memory of my dear friend and colleague, Congressman Tom Lantos.

It was not my actions which were incomprehensible or unjustifiable, Madam Speaker, but rather the actions of the majority which deprived all Members of this House the opportunity to debate or even consider or vote on the contempt resolutions brought to the floor today by the majority in an absolutely totally unprecedented fashion.

The majority knows that the rule we considered earlier is totally and absolutely unprecedented. Its sole purpose was to prevent us from even debating or voting on these contempt resolutions. And further, the majority denied us the opportunity to take up the Foreign Intelligence Surveillance Act amendments passed by the Senate, which we feel very strongly are in the supreme national interest of the United States.

The majority knew that the minority was strongly of the belief that the only options available to us were procedural votes. The majority knew that we intended to utilize our procedural options to register our displeasure with this uncalled-for process.

We purposely refrained from all procedural motions during the opening moments of the session today precisely to show respect for our friend and departed colleague.

We were assured by the majority that we would not begin consideration of the rule, in other words, that the House would not reconvene until 11:30 a.m. or the conclusion of Mr. Lantos’ memorial service.

Tom Lantos, Madam Speaker, was an extraordinary man, a great man, and he was my friend. It was an honor for me to be present today at his memorial service in Statuary Hall. I was suddenly summoned out of the memorial service being held by a House session, and he has been here more years than I have. I have been here 15, and obviously I don’t recall any either.

Madam Speaker, the statement attacking me today by a spokesperson for the majority leader was totally uncalled for and unacceptable.

I yield such time as he may consume to the ranking member of the Rules Committee, the gentleman from California.

Mr. DREIER. Madam Speaker, I thank my friend for yielding. And we have all come to the conclusion that this has been a very sad day in many ways. Of course, the saddest part of it was the loss of our dear friend and colleague, Tom Lantos.

I would simply like to say that Mr. DIAZ-BALART had the responsibility of serving as the floor manager for a rule that was, as he said in his very thoughtful statement, unprecedented. And we had a debate on that rule, and this House of Representatives had not done before, pass a rule which took two contempt resolutions and adopted them. That was a decision of the House. And I think it was an unfortunate one.

Mr. DIAZ-BALART had a responsibility to stand up for this institution. He and I stood together at that service, heard from colleagues of ours and heard from many other distinguished people who remembered the life of Tom Lantos.

We were stunned when all of a sudden the bells rang and the House was going to reconvene in the middle of this memorial service. Now, members of the majority staff, Madam Speaker, had been informed, had been informed, of exactly what it was that we in the minority were going to do. If the House reconvened and we proceeded with consideration of this special rule, we had informed the members of the majority staff that we were going to call for a vote.

So Mr. DIAZ-BALART was simply working to, under very, very, very challenging, and, again, from my perspective, unprecedented circumstances, where I had never before seen the House of Representatives convened during a memorial service being held in Statuary Hall, but under those circumstances, Mr. DIAZ-BALART had the responsibility, not to the Republican Members, but to do what he believed to be right, and I agree with him, obviously, in upholding the rights of this institution. So for any Member, any Member or anyone outside to malign Mr. DIAZ-BALART for simply doing his job under very difficult circumstances is not right.

Let me conclude by simply saying this. I urge the leadership, those Members who we all know is a fighter for freedom and has been throughout his entire life. In many respects, LINCOLN DIAZ-BALART is very similar to Tom Lantos.

Madam Speaker, I will say that it is a tragic irony that as we are remembering the life of Tom Lantos that a Member like LINCOLN DIAZ-BALART would in any way be maligned for his work on behalf of the struggle for freedom and democracy and the liberation of people all over this world.

Mr. BLUNT. Madam Speaker, will the gentleman yield?

Mr. LINCOLN DIAZ-BALART of Florida. I yield to the gentleman from Missouri.

Mr. BLUNT. Madam Speaker, I thank the gentleman for yielding.

I would say, of course, we come to the floor today with lots of disappointment on what we are failing to do today. We think we are still going to get other matters done. But on this issue that relates to the activities of the day, first of all, I was at the memorial service, as many of you were. I was privileged to be there. Frankly, there are very few Members of Congress, in the history of the Congress, that could have, on the very short notice that we would have this sad service today, would have the Foreign Minister of Israel, the Secretary of State, the head of the United Nations, the Speaker of the House present. It was an impressive service, and I hate that we are having this debate around any lack of respect for that service.

On the other hand, the only work we had to do today was 1 hour of debate on a rule that would have also replace the debate. One hour of debate. The service was scheduled to last from 10 o’clock until 11:30. It turned out it lasted until 11:50. But it was scheduled to last from 10 o’clock until 11:30.

When at 10:45 the majority decides we are going to start the 1 hour of work we have to do today at 11, the majority should expect the other side to complain. If in fact Mr. DIAZ-BALART had not had his objection, 50 minutes of this historical debate wouldn’t have been here before I ever walked out of the memorial service. The vote lasted 50 minutes, or thereabouts. Apparently, Members couldn’t even get in to vote for 50 minutes, let alone to get in to participate in the debate.

Of course, we should have said, let’s not start the debate on the only work we are doing today while we are passing up the work on the Foreign Intelligence Surveillance Act. We are voting to talk about how you kill rats in the technical correction to the Federal Insecticide, Fungicide, and Rodenticide Act. That is the only debate we were going to have during 50 minutes of the
stand the point my friend Mr. BLUNT, I want to say that I understand the point you are making, and we all share a sadness at his loss. He was a great Member of Congress and a great American. Thank you all very much.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 4169, by the yeas and nays;
H.R. 790, by the yeas and nays;
H. Res. 972, by the yeas and nays.

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

AMERICAN BRAILLE FLAG MEMORIAL ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 4169, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. RODRIGUEZ) that the House suspend the rules and pass the bill, H.R. 4169.

The vote was taken electronically, and there were—yeas 396, nays 0, not voting 32, as follows:

[A List of Yea and Nay Votes]

[Roll No. 65]

YEAS—396

[Names of Yeas]

NAYS—0

[Names of Nays]

So let us all then end this recollection of what I believe was a very unfortunate moment remembering someone who we can all agree was extraordinary, enriched our lives, and was a great Member of Congress and a great American. Thank you all very much.

Mr. HOYER, Madam Speaker, did the gentleman yield?

Mr. LINCOLN DIAZ-BALART of Florida, I yield to the gentleman from Maryland.

Mr. HOYER. I rise, as I have a couple of times in the past, to simply say that I think on our side, obviously, we believed that we needed to move forward on the work. All of us, however, share what has been said about Tom Lantos, for whom we had the greatest respect, and we all share a sadness at his loss. I regret that the actions that precipitated this hour that you are taking have occurred. They have happened. We can't change those. Having said that, I want to say that I understand the point the gentleman is making, and I understand the point my friend Mr. BLUNT has made. I think it will suffice to say that. But I can appreciate the position the gentleman found himself in and that Mr. BLUNT and his leadership found themselves in.

Madam Speaker, I utilized the opportunity of the rules to rise to a question of personal privilege due to the statements attributed in the press that I mentioned before to a spokesperson, which I stated and restated I believe were totally uncalled for and unacceptable.

I thank all of you for having listened to me with such courtesy. It is for someone who arrived as a 4-year-old refugee with his family fleeing oppression, an extraordinary moment in the midst of the sadness of the day, and the offense that I felt, it is an extraordinary moment to be able to rise and invoke the rules of the House to seek the attention of the representatives of this extraordinary Nation. So I thank each and every one of you for your patience and your courtesy.

At this point, after thanking Mr. DREIER, thanking Mr. BLUNT, and thanking the majority leader for their kind words, I simply end remembering a friend who everyone in this room can agree enriched our lives. My son mentioned the other day this week when we were talking about the sad news, he said, Dad, do you remember when I was a little kid and you wanted me to get my posture up, what you would tell me? I will never forget, he told me. Lantos. Your posture. That is one of the first things that impressed me about Tom Lantos, even before I learned about his glorious extraordinary commitment to the oppressed everywhere where people are still longing to be free.

So let us all then end this recollection of what I believe was a very unfortunate moment remembering someone who we can all agree was extraordinary, enriched our lives, and was a great Member of Congress and a great American. Thank you all very much.
The Speaker pro tempore (during the vote). Members are advised there are 5 minutes remaining on this vote.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Speaker pro tempore (during the vote). Members are advised 2 minutes remain on this vote.

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. HALL of New York. Madam Speaker, on rollcall No. 65, I was chairing the VA Disabilities Subcommittee hearing. Had I been present, I would have voted “yea.”

Ms. SOLIS. Madam Speaker, during rollcall vote No. 65, on motion to suspend and pass H.R. 4169, Placement of American Braille Tactile Flag, I was unavoidably delayed. Had I been present, I would have voted “yea.”

Mr. MURPHY of Pennsylvania. Madam Speaker, on rollcall No. 65, I was inadvertently detained. Had I been present, I would have voted “yea.”

Mr. WELDER of Illinois. Madam Speaker, on rollcall No. 65, I was inadvertently detained. Had I been present, I would have voted “yea.”

Mr. MURPHY of Pennsylvania. Madam Speaker, on rollcall No. 65, I was unavoidably detained. Had I been present, I would have voted “yea.”

COMPELLING THE PEOPLE OF WASHINGTON FOR SHOWING THEIR SUPPORT FOR VETERANS

The Speaker pro tempore. The unfinished business is the motion to suspend the rules and agree to H.R. 4169, Placement of American Braille Tactile Flag, I was unavoidably delayed. Had I been present, I would have voted “yea.”

Mr. MURPHY of Pennsylvania. Madam Speaker, on rollcall No. 65, I was inadvertently detained. Had I been present, I would have voted “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.

Mr. SOLIS. Madam Speaker, during rollcall vote No. 66, on motion to suspend the rules and pass H. Res. 790, Commemrating State of Washington for Showing Their Support for Veterans, I was unavoidably detained. Had I been present, I would have voted “yea.”

SUPPORTING THE GOALS AND IDEALS OF NATIONAL SALUTE TO HOSPITALIZED VETERANS 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. 963, on which the yea and nay votes 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 Texas (Mr. RODRIGUEZ) that the House suspend the rules and agree to the resolution, H. Res. 963.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 383, nays 0, not voting 45, as follows:

[Table of votes]

H969

February 14, 2008

CONGRESSIONAL RECORD—HOUSE
This will be a 5-minute vote.
The vote was taken by electronic device, and there were—yeas 384, nays 0, not voting 44, as follows:

[Roll No. 67]

**YEAS—384**

Aderholt    Akin
Allen    Altman
Arcuri    Baca
Bachmann    Bachus
Baird    Baldwin
Barrow    Bartlett (MD)
Bean    Becerra
Belkin    Berkley
Berman    Berry
Biggers    Bilinga
Bilirakis    Bishop (GA)
Bishop (NY)    Bishop (UT)
Blackburn    Blumenauer
Bunten    Booher
Bonham    Bono Mack
Boozman    Boren
Bowser
Boucher    Boxer
Boydstun    Boyd
Budd    Buchanan
Burton (IN)
Butlerfield
Butler
Calvert
Camp (MD)
Campbell (CA)
Cannon
Cantor
Cardoza
Carnahan
Carney
Carl
Chabot
Chandler
Clarke
Clay
Clyburn
Coble
Cohen
Coles (OK)
Connaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Culkin
Cuellar
Culerson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (IN)
Davis, David
Davis, Lincoln
Davis, K. C.
DeFazio
DeGette
DelBono
Dent

**NOT VOTING—44**

Aderholt    Akin
Allen    Altman
Arcuri    Baca
Bachmann    Bachus
Baird    Baldwin
Barrow    Bartlett (MD)
Bean    Becerra
Belkin    Berkley
Berman    Berry
Biggers    Bilinga
Bilirakis    Bishop (GA)
Bishop (NY)    Bishop (UT)
Blackburn    Blumenauer
Bunten    Booher
Bonham    Bono Mack
Boozman    Boren
Bowser
Boucher
Boydstun
Burton (IN)
Butlerfield
Butler
Calvert
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Campbell (CA)
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Connaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Culkin
Cuellar
Culerson
Cummings
Davis (AL)
Davis (CA)

**ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE**

The **SPEAKER pro tempore** (during the vote), Members are advised 2 minutes remain on this vote.

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.

Stated for:

Ms. SOLIS. Madam Speaker, during rollcall vote No. 67 on motion to suspend and pass H. Res. 963, National Salute to Hospitalized Veterans Week, I was unavoidably detained. Had I been present, I would have voted "yea."

**SUPPORTING THE GOALS AND IDEALS OF AMERICAN HEART MONTH AND NATIONAL WEAR RED DAY**

The **SPEAKER pro tempore**. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 972, on which the yeas and nays were ordered.

Had I been present, I would have voted "yea."

The **SPEAKER pro tempore**. The question is on the motion offered by the gentleman from California (Mrs. CAPPS) that the House suspend the rules and agree to the resolution, H. Res. 972.

This will be a 5-minute vote.
The vote was taken by electronic device, and there were—yeas 389, nays 0, not voting 39, as follows:

[Roll No. 68]

**YEAS—389**

Aderholt    Akin
Allen    Altman
Arcuri    Baca
Bachmann    Bachus
Baird    Baldwin
Barrow    Bartlett (MD)
Bean    Becerra
Belkin    Berkley
Berman    Berry
Biggers    Bilinga
Bilirakis    Bishop (GA)
Bishop (NY)    Bishop (UT)
Blackburn    Blumenauer
Bunten    Booher
Bonham    Bono Mack
Boozman    Boren
Bowser
Boucher
Boydstun
Burton (IN)
Butlerfield
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Chandler
Clarke
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Clyburn
Coble
Cohen
Coles (OK)
Connaway
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (CA)
Davis (CA)
Davis (GA)
Davis (IA)
Davis (IL)
Davis (IN)
Davis, David
Davis, Lincoln
Davis, K. C.
DeFazio
DeGette
DelBono
Dent

**NOT VOTING—44**

Aderholt    Akin
Allen    Altman
Arcuri    Baca
Bachmann    Bachus
Baird    Baldwin
Barrow    Bartlett (MD)
Bean    Becerra
Belkin    Berkley
Berman    Berry
Biggers    Bilinga
Bilirakis    Bishop (GA)
Bishop (NY)    Bishop (UT)
Blackburn    Blumenauer
Bunten    Booher
Bonham    Bono Mack
Boozman    Boren
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Davis (GA)
Davis (IA)
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Davis, Lincoln
Davis, K. C.
DeFazio
DeGette
DelBono
Dent

**ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE**

The **SPEAKER pro tempore** (during the vote), Members are advised 2 minutes remain on this vote.

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.

Stated for:

Ms. SOLIS. Madam Speaker, during rollcall vote No. 67 on motion to suspend and pass H. Res. 963, National Salute to Hospitalized Veterans Week, I was unavoidably detained. Had I been present, I would have voted "yea."

**SUPPORTING THE GOALS AND IDEALS OF AMERICAN HEART MONTH AND NATIONAL WEAR RED DAY**

The **SPEAKER pro tempore**. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 972, on which the yeas and nays were ordered.

Had I been present, I would have voted "yea."

The **SPEAKER pro tempore**. The question is on the motion offered by...
February 14, 2008

CONGRESSIONAL RECORD—HOUSE

H971

PERSONAL EXPLANATION

Mrs. JONES of Ohio, Madam Speaker, due to events in my district I will miss votes on February 14, 2008. Had I been present, the RECORD would reflect the following votes:

H. Res. 982, providing for the adoption of H. Res. 979 and H. Res. 980, contempt of Congress resolutions, “yea.”
H. Res. 966, honoring African-American inventors, past and present, for their leadership, courage, and significant contributions to our national competitiveness, “yea.”
S. 2571, to make technical corrections to the Federal Insecticide, Fungicide, and Rodenticide Act, “yea.”
H. Con. Res. 289, honoring and praising the National Association for the Advancement of Colored People on the occasion of its 99th anniversary, “yea.”
H.R. 4169, American Braille Flag Memorial Act, “yea.”
H. Res. 790, commending the people of the State of Washington for showing their support for the families of the State of Washington’s veterans and encouraging the residents of other States to pursue creative ways to show their own support for veterans, “yea.”
H. Res. 963, supporting the goals and ideals of National Salute to Hospitalized Veterans Week, “yea.”
H. Res. 972, supporting the goals and ideals of American Heart Month and National Wear Red Day, “yea.”

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. COURTNEY). 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 Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

UNILATERAL DISARMAMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 5 minutes.

Mr. HOEKSTRA. Mr. Speaker, we leave today for the President’s Day recess. We leave at a time where we have our troops committed in Iraq, where we have our troops committed in Afghanistan, where, in the last 48 hours there have been reports that radical Islamists may have been planning an attack to assassinate the President of the Philippines, where al Qaeda in Iraq has said that they are going to launch new attacks or additional attacks against Israel, against Jerusalem, where there have been arrests in Denmark of individuals perhaps planning to assassinate, murder the cartoonists, their declaration of war by Hezbollah.

And we’re going back home without extending the Protect America Act. It’s unilateral disarmament. The head of our intelligence community has said that the Protect America Act, that the authorities provided under FISA have been the tip of the spear in keeping America safe.

But it is not only about keeping America safe, because the information, the intelligence that we have gathered under the Protect America Act, under FISA, over the last 6 years have kept America safe, but has also enabled us to identify threats and potential attacks against our allies.

And what this now does, this unilateral disarmament, means that an important tool in keeping America safe and our allies safe expires on Saturday night.

If you take a look at what’s happened here, it’s the day after September 11. The President, meeting with his national security team, they’re looking for ways to identify exactly what the other threats are against the United States, what the capabilities of al Qaeda are. They come back with some...
suggestions and ideas, one of which is to use our telecommunications folks, perhaps, and others, to get information and insights into al Qaeda and to radical jihadists.

Members of Congress are brought in. The current Speaker of the House was briefed four times, I believe, within the first 8 months in terms of what we were going to do, what we expected to collect and how that would keep us safe. And today, these folks are thrown under the bus.

This unilateral disarmament makes America less safe. The President has said, I’m willing to stay until Congress completes its work. I’m willing to go to war if that’s been in the planning stages for a long time so that Congress can complete its work. I’m willing to work with Congress to make that happen.

The Senate did their job. Senator Rockefeller was being briefed at the same time, 6 years ago, that the current Speaker of the House was briefed. He recognizes the responsibility that they had and that the Senate has to making sure that America keeps these tools in the hands of our intelligence community. They did the right thing.

Overwhelmingly, the other body passed a bill that keeps America safe, bipartisan, protecting those who helped our government to stay, to put in place the mechanisms to keep us safe over the last 6 years.

And now, the House walks away from this for the next 12 days. And each day that we are losing our ability to monitor radical jihadists and the threats to the United States begins to erode just a little bit each and every day. But every time we identify potentially a new threat to the United States, we need to go back through a cumbersome process, one that ties the hands of our intelligence community. As al Qaeda and radical jihadists have evolved, and they’re becoming more coordinated and more effective in planning attacks against the United States, we’re moving back and we’re degrading and we are unilaterally disarming.

It is a disappointment and a disgrace that this House is leaving today without finishing this business.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. Davis) is recognized for 5 minutes.

Mr. Davis of Kentucky addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

WE ARE STANDING AT A CRITICAL CROSSROAD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Tim Murphy) is recognized for 5 minutes.

Mr. Murphy of Pennsylvania. Mr. Speaker, we are facing massive problems with regard to the price of energy. Energy costs money, and expensive energy costs jobs, and we are seeing that now happen in our economy.

We are standing at a critical crossroad, and if we fail to deal with our energy needs in a responsible way, we will face not only about the environment, but we will face and we are facing economic recession threats and major job losses.

Earlier today, the Department of Commerce released December’s trade deficit, numbers, which once again, strongly underscored the need for American energy independence. The good news is that the trade deficit shrank by 6.9 percent to $58.76 billion. But the bad news, energy imports continue to make up over half of our trade deficit, over half, 55 percent. In November, it was the reason why we had major increases.

We continue to see risk that oil was sold for only $50 a barrel a year ago and gas into $2.50, and is going to continue to climb.

As long as we continue down this road of importing foreign oil to the United States, we will be allowing OPEC nations to call the shots for our economy and becoming more dependent upon hostile countries for oil. When OPEC manipulates production, rural oil prices here at home increase, and our appliance manufacturers are left to go and ask Saudi leaders to produce more oil, more Saudi oil, not more American oil.

We have Venezuelan leader, President Hugo Chavez, threatening to cut off oil to the United States and Exxon. If they were to do that, the price of oil would increase throughout the world. Chavez himself predicted the cost per barrel would double to $200 and increase our prices. Such a move would show all of these oil-producing countries that they can control our actions by shutting down our access to oil. We’ve already seen natural gas prices manipulated by Russia. We’ve seen these energy costs increase. But when we buy oil from countries with a history of supporting terrorism, the worst part about this is we are funding both sides of the war on terror.

Meanwhile, does the House, does Congress done in the last year or two? Well, it’s put on an embargo on our own oil. It’s blocked exploration for American oil. Congress has voted to prevent oil production off-shore drilling in the Atlantic coast, the gulf coast, the Pacific coast, Colorado and Alaska. These bans on drilling for our own oil are particularly preposterous in light of the fact that China and Cuba are drilling within 60 miles of our Florida coast while we are not allowed to drill off our coast.

The U.S. contains 70 percent of the world’s shale oil reserves, enough to supply our country with energy for hundreds of years if we are allowed to use it. But rather than turning to this resource that can lead us to energy independence and energy security, we once again turn our backs to it. Last year, we cut off access to 2 trillion barrels of shale oil in the western States in the omnibus spending bill. Such policies have forced us to continue this increase of importing oil.

What happens is the impact upon the American family in terms of costs. We see increased costs for food as we also try using corn for ethanol. But when 20 percent of corn is being used for ethanol, we see the cost of food go up. We see the cost of transportation go up. We see the cost of wheat climbing because not only is it a concern with regard to shortages of wheat coming from other nations, but it’s also a huge concern on the cost of transporting the wheat. So when a hundred weight last year for wheat for our bakers to use their flour, now it’s $40, with anticipation to climb much more.

How will Americans react when they know that while Congress continues to embargo the American oil resources, a loaf of bread is going to climb from $1.50 to $2 a loaf. Americans don’t understand why we cannot drill for our own oil.

Yes, we need to do so many things to clean up the air. Yes, we need to make sure we are investing in clean coal technology so that the 300 years worth of energy we have in coal can be used to cleanly produce electricity. We have to make sure we are using clean nuclear energy. We have to make sure that natural gas is used for what it’s supposed to be as a chemical product to make fertilizer rather than producing energy at a very high cost and thereby allow us to use it for making fertilizer and other products that can help also reduce the cost of our food products.

But instead, we continue to say no to American oil, and it just doesn’t make sense. Here is what America’s going to face by 2050: our energy demands are going to double. That means we have 400 coal-fired power plants that need to be rebuilt and an additional 400 built.

We have 100 nuclear power plants that need to be rebuilt because they are old, and we need to build an additional 100.

That means starting in the year 2010, we have to open up a new clean coal power plant every 2½ weeks and a nuclear plant every 2½ months, and we haven’t even started building them yet. It can’t be done. However, I have to say that while we are probably going to face is rolling brown-outs because the efforts we are doing are not going to suffice.

I hope this House will move forward, take the embargoes off coal, and begin to really move towards clean coal technology and stop the embargo on oil.

THE WHITE FLAG OF SURRENDER?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Poe) is recognized for 5 minutes.

Mr. Poe. Mr. Speaker, it’s 4:14 p.m. on this 14th day of the second month of this year. This House is basically empty except for a few of us. Everyone has gone home.

We found time today to do important business for the people of the country.
I have some of the bills that we passed today. One of those was that we had the time to vote after debate on regulating insects, roaches, fungus, and rats in the United States. Oh, such an important piece of legislation that the House of Representatives debated and voted on.

But while we had the time to vote on these important issues of regulating the rats and roaches and fungi in the United States, we didn’t take the time to protect the American people from those people throughout the world who want to kill us, who want to do harm to us and our families. And not to America only, but to all freedom countries throughout the world.

Because we didn’t have time to work on the Protect America Act, a bill that does exactly what it says, Mr. Speaker, it protects America. It protects America from terrorists. And one of those ways is being able to eavesdrop into conversations when one terrorist overseas or another terrorist overseas, amending the FISA, the Foreign Intelligence Surveillance, Act. But, oh, we didn’t have time to do that.

Mr. Speaker, it troubles me because in the House of Representatives, without fail, we’ve raised the “white flag of surrender” to those people who wish to do us harm? The head of the National Intelligence Service has told us that 50 percent of the intelligence that they attained is through FISA. And yet we have cut off that resource by failing to vote on that, failing debate on that. But yet we had time to talk about roaches, rats, and fungi!

Mr. Speaker, this ought not to be. Under FISA, we have been able to prevent crimes from being occurred against the United States. One of those was the bombing of the Brooklyn Bridge, another was the bombing of Fort Dix in New Jersey. Those were prevented because of FISA, because we had the intelligence. And the reason we had the eavesdropping, the legal eavesdropping capability.

Mr. Speaker, the House of Representatives has not done a service to the people of the United States by failing to debate this issue and at least have an argument, a lively debate, and then vote on it to protect the United States. The people of the United States deserve better from us. Our job is to protect America through legislation. And, Mr. Speaker, I think we have not done our job today because we are off doing other things.

So I hope that I am proven wrong by history that this did not hurt the United States down the road for failing to act on this important legislation. And it’s important that the House come back as soon as possible and deal with the issue of protecting America first and making sure that we know what they’re saying throughout the world when they want to do us harm, because we’re fighting against are people who will do anything to get their way and their radical beliefs including killing children and women and the innocents and car bombs and anyone else that gets in their way.

And there is probably joy throughout the terrorist cells in the world that the United States Congress did not do its duty today.

And, Mr. Speaker, that’s just the way it is.

THE MILITARY FREEDOM ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Gohmert) is recognized for 5 minutes.

Mr. Gohmert. Mr. Speaker, it is a privilege to follow my friend, a former judge also, from Texas, Mr. Poe; and he nailed it on the head. And I tell you, following up on that is another travesty going on this week, and that’s why I just filed a bill in the last 15 minutes called the Military Freedom Act.

We are immune to the Constitution with liberty. But like any inheritance, we only get to keep it if we are willing to fight for it. That is precisely why so many of our uniformed military members have laid down their lives. And the plain fact is that there is no more important purpose for the Federal Government than to provide for the common defense.

In order to do that, there’s got to be a military. But we have all of the rights of freedom of speech. Even those rights have limits, such as when you can’t yell “fire” in a crowded theater. There is, however, no right to obstruct lawful ingress and egress into a military recruiter’s office. The City of Berkeley, California, chose not to protect the Marines’ lawful right to ingress and egress. They instead chose to aid and abet lawbreakers by encouraging them and passing an ordinance to make it easier to violate the Marines’ rights.

The restriction of funding that is proposed and put forward in the bill I have just filed has been proposed previously in matters such as the speed limits of States or to encourage States to limit drinking and driving. So it’s nothing new.

It has been deemed appropriate to encourage political entities in areas in which the Federal Government has a vested interest, and it has no more vested interest than what we have in providing for the common defense. But Berkeley and any other city has the right to rule over its own city as they wish, and they’re welcome to do that. But the Federal Government should not reward a city that chooses to obstruct and prevent the obtaining of military members who provide the very freedoms and the umbrella of freedom under which that city acts. They have a right to use freedom of speech, but they have no right to take United States taxpayers’ dollars to aid and abet hurting readiness.

We took an oath in this body, in this room, to defend this Nation against all enemies, foreign and domestic; and those who prevent the United States from attaining military members are not the Nation’s friends. Though such a city may deserve punishment, all we are trying to do with this bill is just not reward them for hurting our national defense.

Other city leaders, such as those in San Francisco, Toledo, Ohio, like the mayor there, have snubbed or restricted our military. They need to be aware that when they begin to prevent the military from having enough troops to protect us and being militarily ready, they should not expect Federal subsidies to assist them.

It is true that the actions addressed in the Military Freedom Act are mainly actions or omissions by community leaders and not all of their citizens. We understand that. There are good citizens in each of those towns. But the choice of the citizens is either to replace the hurtful leaders or bear the consequences or move. The old adage is democracy ensures the people are governing better than the rulers. Therefore, those cities either deserve to have better leaders who don’t hurt our national defense, or they deserve not to have funds to award their harmful conduct.

Cities like Berkeley should take stock of how many of their very own first responders in the business in their cities of saving lives were trained in the military.

I would remind you also, and I remember vividly because I was about to go on active duty about the time Vietnam was ended, our heroes came back from Vietnam and were spit on. Some of the hippies that did the spitting cut their hair, got into positions in cities and have found, figuratively, new, effective ways of spitting on our military.

But everyone should understand, Mr. Speaker, this is not taking away money for expressing free speech. It’s simply not rewarding the obstruction of providing for the common defense. Since it will cost additional money to overcome the obstruction to our military readiness, the Military Freedom Act takes money from the appropriate place to do that.

This is the ultimate PAYGO bill for military readiness and national security.

In any event, I hope and I encourage the leaders, the majority leaders, the Democratic majority leaders of this body to bring this bill to a vote and let the cities know that we don’t reward those who prevent our providing for the common defense.

PAY ATTENTION AMERICA

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, the American people mostly don’t pay
a whole lot of attention to what goes on here on the floor, and it's probably better, but hopefully they're paying attention now because it's a sad day, and they need to take note.

Mr. Speaker, I would suggest that what has happened today on this floor has been an abrogation of duty, an abrogation of our duty as representatives of the people, the finest Nation on the face of the Earth. But given what we've done today, we may not be there long. Mr. Speaker, there are individuals who have as their stated goal the destruction of the West. You can call them what you will, radical jihadists, terrorists. Their threats are real and they are continuing. And this House, under this liberal Democrat leadership, is ignoring their words.

You don't have to take my word for the fact that these threats are real. Benazir Bhutto was assassinated on December 27, allegedly on orders from al Qaeda. And one might say, well, that's okay, don't worry about it. Mr. Speaker, I know that some on the majority side worry about it. That abortion is not a baby, that it hurts mothers in ways that we could never express, and that 12,806 days spent killing nearly 50 million children in America is enough, and that this Nation is great enough to find another way than abortion.

So, Mr. 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 other day to come, may that be the day when we hear, when we finally hear the cries of the unborn. May that be the day when we in this body realize that abortion really does kill a baby. And once again, may that be the day when we in this body pass this bill, the Protect America Act.

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, I stand once again before this body with another sunset memorial. It is February 14, 2008, Valentine's Day, in the land of the free and the home of the brave. And before the sun sets tonight, almost 4,000 defenseless unborn children were killed by abortion on demand. That's just today, Mr. Speaker. That is more than the number of innocent lives that America lost on September 11, only it happens every day.

It has now been exactly 12,806 days since the tragic judicial fiat of 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 America's own children. Some of them, Mr. Speaker, cried and screamed as they died, but because it was amniotic fluid passing over the 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, and each one of them died a nameless and lonely death. And each one of them, whether she realizes it or not, will never quite 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.

Mr. Speaker, perhaps it's more 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 happiness and not its destruction is the chief and only object of good government." Mr. 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 capsulates our entire Constitution. It says, "No person shall be deprived 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. And today, 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 whole world. It is who we are. And yet, Mr. 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 that we should have given them.

But perhaps tonight, Mr. Speaker, maybe just one someone new who has heard this sunset memorial will finally realize that abortion is still a baby, that it hurts mothers in ways that we could never express, and that 12,806 days spent killing nearly 50 million children in America is enough, and that this Nation is great enough to find another way than abortion.

So, Mr. 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 other day to come, may that be the day when we hear, when we finally hear the cries of the unborn. May that be the day when we in this body realize that abortion really does kill a baby. And once again, may that be the day when we in this body pass this bill, the Protect America Act.

HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Wisconsin (Mr. KAGEN) is recognized for 60 minutes as the designee of the majority leader.

Mr. KAGEN. Mr. Speaker, joining me this evening is Congressman ALTMIERE from Pennsylvania.

I think it's only fitting that on this Valentine's Day we begin to have a discussion about health care in America. It's a heartwarming day. It's a day of friendship, a day of conversation between one's loved ones.

When I was sent here by the people of northeast Wisconsin, I was sent here to listen to their concerns. In my previous existence, I was a physician caring for many thousands of people across northeast Wisconsin. And I continue to listen to them while I'm here in the halls
of Congress, and I want to share in the few first minutes of this hour some of their conversations with me.

Tom and Sue Wright from New London, when I asked them what was important to them, 50 million people without health insurance is a disgrace. They are right, but they’re not alone. Bob from Green Bay writes, “If taxpayers can’t get the same health insurance as Congress, at least get drug costs down so we can afford our pills.”

What about from Casco, Rhonda leash, “I’m 60 years old, and I have a $5,000 deductible on my health insurance per family member; all of my health expenses out of pocket. We need help desperately.” That’s Russ from Casco.

In Greenville, it’s the same story. This is from Al and Linda. “As we near retirement, we know we can’t afford health insurance premiums or drugs on our own. Please help. We’re getting further and further away from all the insurance and the Senate that are having discussions of opinion on health care reform. I don’t think the place that this is an issue that affects everybody. It’s not just your wallet. Obviously, a $5,000 premium, as Dr. Kagen was describing, something that I will state to the exponential increases in health care costs. Small businesses every day in this country by the thousands have to make decisions on what to do about their health care costs for their employees. Clearly, this is one unmanageable level. Do they stop offering health care? But they know they can’t afford it and it affects everything that we do.

I yield to my colleague from Pennsylvania (Mr. Altman). Mr. ALTMIERE. And I want to commend Dr. KAGEN for his leadership on this issue. As all of our colleagues know, Dr. KAGEN, right from the very start, has made health care his priority here in Congress using his expertise. I have a health care background as well, health care policy is my professional background, and the gentleman and I have spoken numerous times about the importance of health care. And I wanted to come down today to talk about the need for health care reform as we are currently discussing, but also just to commend the gentleman for his continued leadership on this at a time when clearly the political system is in unchartered waters, is there is not just the Members of this body, but the American people who are kicking the can down the road another year. And I think the gentleman and I agree on many things, but most importantly on the need to do something about the health care issue right now. It would be very easy to say let’s kick the can down the road another year. We’ll come back in March of 2009 and everything will be different and we’ll take up health care then. That’s great. You know what? When next year comes along, we are going to take up health care. And there is a variety of differences of opinion on what the approach should be for health care reform, how expansive do you want it to be?

But there are things that we can do now, this year, in this political environment, it’s realistic. And that’s what the gentleman and I have been discussing. We want to do things this year that would be considered, if not low-hanging fruit, at least issues that we can all agree on that we can pass and set the table for a further discussion next year on health care reform.

We have a country where there is over $2 trillion that gets spent every single year; 17 percent of our GDP goes to health care. And I don’t think in my district there’s an issue that I hear more about than the cost of health care reform when I go around and visit my constituents, and the reason is this is an issue that affects everybody. It’s not just your wallet. Obviously, a $5,000 premium, as Dr. Kagen was describing, something that I will state to the exponential increases in health care costs. Small businesses every day in this country by the thousands have to make decisions on what to do about their health care costs for their employees. Clearly, this is one unmanageable level. Do they stop offering health care? But they know they can’t afford it and it affects everything that we do.

$1,500 of the price of your car, if you buy an American-made car, is due to the health insurance costs of the auto maker. Your State taxes are higher because of exploding Medicaid costs. Health care is the last remaining item on the table in every labor dispute in the country. That’s why those issues come up when we have a system that is simply growing faster than the rate that our American workers can and are willing to pay for health care, gas, a war, Social Security, or anything else.

My friends, my colleagues, it’s time for us to have an open and honest discussion. It’s not just our country. It’s not just the Members of Congress, not just the people that call us up, not just the people who send us postcards, not just my patients back home; but it’s the most trusted person in the country, it’s you and I, it’s not just the Members of the class of 2006, a group I call America’s hope for a real change and a positive change in the direction of our country, it’s not just the people that call us up, not just the people who send us postcards, not just my patients back home, it’s the person in Washington, DC that understands the importance of health care costs today. And who is that person? That’s our Comptroller General, David Walker, who, on January 28 before the Senate Budget Committee, had these words to say: “Under any plausible scenario, the Federal budget is on an imprudent and unsustainable path. Rapidly rising health care costs are not simply a Federal budget problem; they are America’s fiscal challenge. The growth in health-related spending is the primary driver of the fiscal challenges facing the State and local governments. Unsustainable growth in health care spending is a system-wide challenge that also threatens to erode the ability of employers to provide coverage for their workers and undermines our ability to compete in a global marketplace.”

And he went on to say that the key points in his presentation are: “A little recent declines in our annual budget deficit are good news, our longer-term fiscal outlook is worse, and absent meaningful action, we will...
face spiraling levels of debt. Our long-term fiscal challenge is primarily a health care challenge.

Well, I think the Comptroller General has it right. It’s our health care challenge. And people every day in Wisconsin and across the country are faced with the challenge when they receive in the mail a solicitation from an insurance company, one such as this: with happy smiling faces on the front, they invite you to call an 800 number to see if you qualify. If you have had treatment for any of the following conditions, you may not qualify for coverage: and it lists a long list of conditions that many millions of people have. And at the very end there is a real teaser, and it says, “Not all inclusive. Other conditions may apply.”

My friends and my fellow Americans, I believe it’s time on this Valentine’s Day, February 14 of 2008, to bring an end to the discriminatory actions that insurance companies now employ to have to bring an end to the discrimination against any citizen in this country based on their preexisting medical conditions.

Before I highlight the bill that I am putting in for submission today called No Discrimination in Health Insurance Act, I’d like to review with you what we have today in our health care system, and it’s here to my right.

Our health care system is simply unsustainable. There are three tiers to health care. In tier one, in red and orange, we have Medicaid, which is 61 million Americans; and Medicare, 43 million. These people, in general, don’t pay for the bill. They don’t feel the economic costs because government is providing for their needs in most cases.

So in tier one, you have a group of people that aren’t paying the bill. In tier two, we have a portion of your bill, and this has to do with the 149 million Americans who have health insurance. But increasingly today, the health insurance premium is skyrocketing, and the cost for care averages $14,000 each year for a household of four. This price and this cost is beyond what the normal hardworking family in Wisconsin and elsewhere in the country can afford to pay.

In tier three, this is the 47 million Americans who have no health care coverage at all, and I am one of them as the only Member of Congress who has not signed on for health care benefits. For I didn’t come here for a benefit; I came here to guarantee access to care for everyone.

But 47 million Americans who choose not to purchase insurance either because they don’t have the money in their pocket or they can’t afford it. So our system, as it exists today, is unsustainable, unbalanced, and is tipping over rapidly.

That is why I submitted for passage a bill called the No Discrimination in Health Insurance Act. This bill seeks to do three things: first, it guarantees that if you’re a citizen, you’re in because no insurance company in group or individual health should be allowed to sell you a policy that excludes you from health care. Second, it begins again to ensure communities rather than individuals because what’s happening amongst the insurance world today is you will be cherry-picked away from your mate. A husband will qualify, but another may be separated from her family. And what’s worse, your neighbor may have a completely different health care coverage only because we’re being cherry-picked and divided.

I believe we have to get back to community ratings. It’s not just my opinion. Many millions of Americans agree with me. The SEIU agrees with this idea, families USA as well. And our Constitution protects us from discrimination. This is the result of very long and hard-won gains by ordinary people who for decades stood up for our community and fought for positive change and the rule of law to protect each and every citizen. Now I believe is the time to apply this fundamental principle of anti-discrimination to our health care because some, quite frankly, cannot hold their breath any longer. And that’s why I have introduced this bill, the No Discrimination in Health Insurance Act. This essential piece of legislation will guarantee access to care for every citizen in America by bringing an end to the discriminatory practices employed by insurance companies today who deny life-saving coverage to millions of Americans only because of pre-existing conditions.

Look, the grim reality is that our Constitution protects us from discrimination unless and until we become sick. I believe our legislation here that is put forward will put discrimination against you due to a pre-existing condition.

Ending all forms of discrimination is essential, I believe; but it’s also time we pull back the veil of secrecy because today the real price of health insurance, the real price of a pill, the real price of a hospital service is hidden. And that’s why the second thing that this bill will do is to show us the price, openly disclose the price, and then allow every citizen to purchase that that same prescription under an insurance policy at that same lowest price within the region. Ending all forms of discrimination is paramount and tantamount to why we are here as a Congress.

If you go to your favorite restaurant, you’ll find the solution to our health care crisis right in front of you. They’ll hand you a menu, and when you open the menu and see that your ice cream for dessert might cost $5 for you, what’s the price that the person sitting next to you or across the table will pay? $5. Show us the price, and everyone gets to pay the same price.

If you go today to a pharmacy anywhere in the country and you’re standing in line with five people to buy the same prescription drug, you may all pay five different prices for the same product because the price is not openly disclosed and there isn’t a free and open competitive market of medical care. That’s why we are here as a Congress.

As a physician for the past 30 years and now as a Congressman for the past 13 months, I understand how difficult it is for families to pay not just their health care bills but their insurance premiums. People across the country are choosing between taking their next pill and skipping a meal or vice versa.

But you don’t have to be a doctor to know our system is broken because ordinary people cannot afford to pay for their health insurance. These skyrocketing costs are excessive. They’re simply out of reach for small businesses. They’re out of reach for families across America.

We need to do more. We need to do more. We need to pass legislation that contains the essential elements of openly disclosing the price, guaranteeing if you’re a citizen, you’re in and you will not be discriminated against, and that everyone in your region, every citizen or legal resident can pay the lowest price possible.

The reality is our Nation’s insurance industry has been successful. It has been successful beyond all measure. And it’s been so by dividing and conquering. Dividing you by your neighbor, dividing up families, and individually insuring people based upon their preexisting condition. We have to put the letters “unity” back into community and restore community-based ratings. We can begin to heal our Nation by doing this, by becoming a community once again.

My No Discrimination in Health Insurance Act requires companies to openly disclose the price, charge every citizen the same fee for the same service within the region, and allows all citizens to find a benefit by paying the lowest available price. It will end discrimination in health insurance. It’s the right thing to do, and it will reduce the cost for everyone across the country for health care. Simply put, if you’re a citizen, you’re in, without any discrimination against you due to a previous medical condition. And all of you to join me in this effort because it will be a big battle. There are some very strong forces in the insurance industry that don’t want to compete for our business. This legislation is essential not just for you and your family; it is essential for small business to survive.

The greatest expense everywhere in Wisconsin, as I went around the district to listen to different employers, whether you’re in agriculture and a family farmer or a small businessman trying to run a photography shop, the greatest expense in their overhead is their health care cost. We can and we must do better. And we can do better
by forming an openly disclosed market-place where people begin to compete once again for each other's business. This is important. It is essential not because I say so, but because the people that I represent say so and, as I mentioned earlier, the Comptroller General agrees.

Everyone in this House, every Member of Congress in the Senate and the House has a health care story to tell. I can share that with you unconfidentially because they come up to me on the floor and ask me about their health.

□ 1700

They ask me about the pills they are taking. And I am here, I am available, and I can't bill them because, well, I have taken an oath. I only get paid by the people I represent.

The fact is everybody has a health care story to tell. We have to make certain that we don't discriminate against people based on their political affiliation, be they independent, Democrat, or Republican, but by the condition that they are a citizen and they ought to be involved in the risk pool.

Mr. Speaker, I'll close my remarks on health care by suggesting very strongly that every Member of Congress consider this. Either you are for discrimination and on the side of the insurance industry or you are against it and you are on the side of the consumer, the patients, and the millions and millions of Americans who need health insurance at prices they can afford to pay.

It was said first in the White House several years ago, either you are with us or you are against us. But this bill allows everybody in the House to decide whose side are you on. Whose side are you on? Are you sitting in the boardroom with the CEOs of the insurance industry or are you with the consumer, the patients, the and millions of Americans who need health insurance at prices they can afford to pay.

In my State of Wisconsin, and it is true across the United States, the most common reason that people go bankrupt today is they go bankrupt because they cannot afford their health care bills. They cannot afford this. In Shawano County several months ago when I stopped into the county courthouse, I was told that there were 20 families that had come through an edguation policy after going bankrupt did so only because they couldn't afford their health care bills. We can and we must do better in America. And it starts by reforming our health care system. When we drive down the cost of health care, we are going to cut taxes for everyone. Now this sounds like it is voodoo economics, but if I lower the cost of doing business for every city, every county, every town, every State in the country by lowering health care costs, I can reduce your taxes. This is not just a health care issue. It is a business issue. It is a tax issue.

And, Mr. Speaker, I would like to share with you some words I was privileged to listen to in a small town in the northern part of Wisconsin, a district I have the honor and privilege of representing. It is a city called Niagara, Wisconsin. And as Niagara goes, so goes the nation. Niagara is a small town of 1,800 people. And the major employer there is a paper mill, which was recently purchased and then closed. Three hundred twenty jobs in this small town are about to disappear in the spring. And I went to Niagara to interview some people and listen to their concerns to see what government can do to help them. I spoke with George. George is nearly 80 years old. I would like to share with you his words for our country. They will be available, if not today, then tomorrow at my congressional Web site, Kagan.house.gov, as a video clip.

I asked George, "Are you still working?" And George responded, "Nope, I'm retired, 41-plus years in there. But what I want to say is that Congress should have been aware of this happening because it has been in all the union papers." And he is referring to the closing of the mill, the one major employer in town. "People been talking about on or two paper machines out of there. They pulled the machines out. And what do they do? They ship the machine to India. That machine was 100 years old, and now it is operating in India. So why was Congress on their side? All those jobs been deteriorating right along." And I asked him, "How long have you lived here?" He responded, "All my life.

"You were born right here?"

"Yup. I will be 80 years in April. And I have five brothers who worked in the paper mill also, 41, 42, 45, they all worked there that long. And my children during the summer months worked in that mill."

I asked him, "What did you do in the mill?"

"I worked on the paper machines."

"Which one?"

"I worked on them all, all machines. Started off in the old mill, number one, went to number two, and then went to number three, and then to number four"

"And do they have any retirements," I asked him, "at the mill?"

"I have a few benefits, and I am thankful for that. That is what I am worried about now, though. I was told that at the end of 2008, things are going to change. I am going to have to get something else. I don't know that. Nobody told me that. But that is just the rumor. So we have to start looking into something else." He is referring to health care benefits and the prescription pills.

"What makes me mad is that we found out we had to medicate in Minnesota and in Canada. And what happens? They tell me I can't do it no more because we would get sued, the company would get sued. They would save the mill about $300 every 3 months, and we would save ourselves $250 every 3 months. And they said, "No, we can't do it," so now we have to buy them at Wal-Mart."

And I asked him, "So you think there is a better way of doing things?"

"You better believe it." I asked him then at the end of my conversation if there is anything else he would like Congress to hear? If he were talking with Congress and with President Bush, what would he have to say, what would you ask him to do.

And George responded, "Get on the ball. Take care of the United States, not foreign countries. They always said foreign countries are going to take us from within. They don't have to fight a war with us. Well, that is what is happening right now. They are buying up all the United States."

George had it right. We have to be about our own people. I represent people in Wisconsin, not foreign nations. And taking care of people in Wisconsin means, first of all, guaranteeing them access to health care that they can afford, high-quality care that is delivered right close to home.

And how can we do that? How can we afford to continue to pay for those costs when our jobs are being shipped overseas?

So, Mr. Speaker, as a close this evening, I would like everyone to begin to think differently in America. Health care is intimately tied up with our employment opportunities, with our jobs. We need higher wage jobs that will sustain America and provide us with a living wage that can afford health care. Health care is intimately involved with our jobs and also with our environment and the education of our children. You can't unwrap all of these problems. They are all stuck together. But the single greatest problem we face today is our health care crisis. And by submitting this bill for passage today, the No Discrimination Health in Insurance Act, I hope to lay the first brick in the new wall for the foundation of our health care. We have to begin to think differently in America, and hopefully that starts today.

BIPARTISAN EARMARK REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Virginia (Mr. WOLF) is recognized for 60 minutes as the designee of the minority leader.

Mr. WOLF. Mr. Speaker, the need for earmark reform should be an issue that we can all agree upon, a bipartisian agreement. As reported last week, Congress' approval rating fell to just 22 percent. Will the House sit idly by pattering each other on the back as this issue continues to grow and be one that the American people care deeply about?

Quite frankly, the effort in the House to bring a level of transparency in the earmark process, as good as it may appear, has yet to satisfy the American
people. As a first step to restoring confidence in the earmark system, Congressman JACK KINGSTON, a member of the Appropriations Committee, ZACK WAMP, a member of the committee, and myself have introduced H. Con. Res. 263, which calls for a joint select committee to review the earmark process, and it places a moratorium on all earmarks while the panel undertakes its work.

Congress holds the power of the purse, frankly. I don’t believe the American people really want us to cede that authority to the executive branch. Under the Constitution, that is the job of the congressional branch. And while I believe that the majority of earmarks are for purposes which help people, those Members who oppose earmarks have made some legitimate claims, and they have to be addressed.

There have been positive earmarks to fight gangs, to fight the violent MS 13 gangs. We have an office of major gang intelligence in the FBI to track the gang movement across the country, and there is a growing problem with regard to gangs.

The Iraq Study Group was an earmark reform that helped bring about fresh eyes on the target, if you will, bringing former Secretary of State Jim Baker and former cochairman of the 9/11 Commission, Lee Hamilton, along with Ed Meese, former Attorney General of the Reagan administration whose son is on the staff with General Petraeus over in Iraq, and people like Chuck Robb who is a former marine and Governor and Senator who fought in Vietnam. So it brought together a group of people to take a look at that, and 61 of the 70-some recommendations of the Iraq Study Group have been adopted now, and that basically was an earmark.

I also was told that the work that Dr. Francis Collins has done, and I may be wrong on this, but Dr. Collins has received the gold medal. He is the one who has mapped the human genome system. And there are people alive today because of the work that Dr. Collins has done. Dr. Collins will map those genes whereby we know that some individual with a certain gene may get a certain condition and now they can deal with that to save their life. So there have been some very positive ones.

But I think it is important to acknowledge that the Members who have opposed earmarks have made some legitimate claims, and they deserve that we look at those claims and address those claims.

The joint select committee on earmark reform, which is called for in the bill, would be comprised of 16 members, Mr. Speaker, evenly split between the House and the Senate, because whatever we do to, the House and the Senate have to agree on, both, between Republicans and Democrats. And I think the American people are thirsty. They are thirsty for some bipartisan activity out of this Congress. So we will come together, Republicans and Democrats, House and Senate, to form this committee.

The panel would examine the way the earmarks are included in authorizing bills and also be studied. I want to stress that again, because I think the Congress has ignored some of this and I think the general public doesn’t understand, but this panel would also, Mr. Speaker, look at executive branch earmarks, reviewing earmarks in all bills considered by Congress. All bills is really the key.

The House, during this period of time, should place a moratorium on all earmarks until the joint select committee has finished its work and we are able to put into place a rule system that restores the confidence of Americans that legislation is not loaded up with hidden special interests or wasteful spending. It would restore honesty, integrity, and openness to the process that everyone would feel confident because the ground rules would have been agreed to by everyone. The American public would see how this was done.

I strongly support the earmark reformation, including listing names of sponsors on earmarks or specific line item spending. But the rules, Mr. Speaker, must apply an equal standard to all legislation, appropriations, as well as authorizing and tax bills and disclosing earmark sponsors. It must be across the board in every bill, but it also must be a process of indisputable integrity and probity that is honest and authentic, and one in which the American people have absolute trust. That is the key. It has to be a process, Mr. Speaker, in which the American people have absolute trust.

Earmark reform must be bipartisan. It must be an issue on which both political parties can come together so that every Member of Congress can know what is in there, the American people can know it. And I am hopeful that Members on both sides of the aisle will join this effort and support the Kingston-Wamp-Wolf earmark reform bill.

Then, Mr. Speaker, we have the opportunity after we do that, because I know most Americans are concerned about the spending with regard to the Federal debt and the deficit. I have a bill with Congressman COOPER, again, a bipartisan bill, and again, it is good to see, we have to work across the aisle. It is called the Cooper-Wolf bill, Mr. Speaker, and what it does, it sets up a national commission of eight Republicans and eight Democrats, and I would tell you won that the New Jersey and South Carolina coast or the Maryland coast, we would as parents want to do everything we can to help our kids. So for our children and for our grandchildren, we have an obligation to deal with this problem.

Also, Mr. Speaker, I think it is also a moral issue. In the Ten Commandments it says: “Thou shalt not steal.”
and for one generation to be living off the next generation is in essence stealing.

With all the support that we have, the bipartisan support, again, a lot of good Members on both sides of the aisle, I am hopeful that there can be a way that we can bring this bill up and vote on it in this session.

So with the earmark bill that I spoke about earlier which deals with a fundamental change that the Congress has to deal with, and with this bill, we can have a renaissance in this Nation, create jobs and make a tremendous difference. So I just hope that we can pass both of these bills in this Congress.

I see my friend from Tennessee, and I will yield to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Speaker, I thank FRANK WOLF for a distinguished career of public service. We honored the life of Tom Lantos today in the House, but FRANK WOLF is the same kind of person as Tom Lantos in terms of always caring about what is right, what is just, human rights anywhere and everywhere in the world that need our attention in the greatest Nation in the history of the world. FRANK WOLF is one of the people here that I look to always for the integrity on decisions that are controversial, that are impas-sionate. He seems to have a level-headed approach that honors the Constitution, honors what is right.

So here we are again working together. Jack Kingston and FRANK WOLF and I, as long-standing Members of the Appropriations Committee, know that this is a problem. This abuse of ear-marked dollars. And the Appropriations Committee. It was the Appropriations Committee that was set up to reform a system that is not working properly.

One of the things that this select committee would allow us to do is over a 6-month period of time, with five public hearings, have a national debate about what is the Congress's role, what is the executive branch's role, both under the Constitution and in reality.

Just 2 weeks ago, February 1, the President's budget request came over. Actually, it was February 4. But when it came over, it was full of specific requests for specific programs which are an earmark. They are earmarks. So one of the first things we need to do with this select committee is define what is an earmark, because right now it is not clear as to what is and is not an earmark.

For instance, is it an earmark for a Member of Congress to request an increase in a specific account at the National Institutes of Health? If it is the National Institutes of Health and you believe that increased funding and you are a Member of the United States Congress, and under article I, section 9 you have the authority to appropriate money, that should not be an earmark.

But I have got news for you. A lot of things that are in this budget request that an ear-mark should not be an earmark. It should be programmatic in nature; it should be looked at in a different way.

So this whole system needs an overhaul, and that select committee can get to that without people claiming turf protection or feeling like you are stepping on their toes, and then they can come back with these recommendations that would have the force of law and truly change this process of congressionally-directed legislative branch retreating from its constitutional responsibility or just ceding more and more authority to the executive branch, many times to people at the Office of Management and Budget, OMB, that submits these budget requests, who are neither elected nor educated enough on these issues to actually make these recommendations.

That why it is important for elected representatives to do this in a very responsible way. The select committee is exactly the approach, the responsible way to do this.

It is comprehensive in nature. As Representative WOLF said, it doesn’t just apply to the Appropriations Committee. It applies to all authorization committees, tax and trade and tariff bills, the executive branch requests, the whole gambit of direction of funding of appropriated dollars. And the whole thing needs to be reformed.

I will give you an example. The Bridge to Nowhere request is one of the most egregious earmarks that we can point to, and it did not come through the Appropriations Committee. It was in fact an authorization bill from the Transportation Committee. That is gas tax dollars that every 5 years the Congress directs to this projects or that projects or this priority or that priority, and in fact that Bridge to Nowhere was an authorization bill. So we need change a system based on appropriations; and if that is allowed to continue, the most egregious abuse we can point to continues.

You need a comprehensive and systemic approach to this, and that is why we have had consensus developing in our conference on the Republican side for basically a timeout, a moratorium: 6 months, no earmarks, hold up the trains, let’s stop and do this right. But do it responsibly. Don’t just willy-nilly say we are going to do this for political purposes or that for political purposes, or we are going to grandstand or pand-er. No, we are going to do this the way that people 50 years from now can look back and study the record and say, this was the intent of the bipartisan congressional prerogatives and responsibilities above the passions of the moment, and they recognized that some people abused it and that needed to be cleaned up and reformed and changed, but they did not give the people down the street at the executive branch more and more authority and violate the separation of powers under the Constitution of the United States.

This is an important principle as we go forward on how to truly have a sys-temic approach to clean this mess up. But it needs change. Anybody who thinks that this system stands the “smell test” in America is wrong. It needs to change, and we are trying to change it from this place because that is the responsible thing to do. People have abused it.

I would argue that the last election in 2006 was lost by our party in large part because of these abuses of ear-marking. Democrats said the same thing, basically: we need to have a comprehensive reform of this process known as ear-marking.

But I believe step one is to define it, what is and what is not an earmark, and then go forward. Things that are
existing by law that have been around for a long period of time should not be an earmark.

Another thing we need to do is separate the ability of people to have a cottage industry through lobbying for earmarks. That, frankly, makes everybody everybody look bad. It erodes the public trust over a period of time.

There are times where someone advocating for you for a specific cause in this country is necessary, and that is called lobbying. Today lobbying has a bad name. If I was a lobbyist I would want these reforms so that my reputation is not tarnished. Just like we approprians, WOLF, KINGSTON, WAMP, KIRK, CULBERSON, WELDON, GOODE and others that have helped us with this cause, we don't want our integrity tarnished by the people who abused this prerogative under the Constitution.

They are the ones, just like the local law enforcement guy who takes a bribe, all police officers are not like that, and all Members of Congress are not going to do what these people did. Thankfully, the people that have violated our trust are either under investigation or they are already gone or some of them are in jail. But the system needs to be cleaned up so that they cannot do that again. That is what hasn't happened. Frankly, there are some people in this institution who are kind of arrogant about this, saying that it ought to continue and that there is no reason for reform. But that is not true either.

So we have got to meet in a rational, logical way. That is why the select committee approach is the right approach. I am very, very proud to stand with Representatives WOLF and KINGSTON and others in support of this approach, and we will have a moratorium on earmarks until we make the needed changes to begin to restore the public trust and uphold the honor and the dignity that should be associated with our full responsibilities under the Constitution of the United States.

I thank the gentleman for yielding time.

Mr. WOLF. I thank the gentleman. His comments are very good. I think it really needs to be bipartisan and it needs to be institutionalized, and it needs to be done in such a way that the American people have confidence. I would yield to the gentleman from Illinois (Mr. KIRK), also a member of the Appropriations Committee.

Mr. KIRK. I thank the gentleman for yielding and join this group of what we might call all appropriate appropriators who are leading the reform cause, because I think we all agree that the current system was broken under Republican leaders and broken under Democratic leaders.

I believe that we should not tax the American people more than necessary, that taxpayer monies should be spent wisely, and that Congress should use its power to cut waste to keep taxes low. Many congressional earmarks are a waste of the taxpayers' money.

I authored the amendment to kill the Bridge to Nowhere. It was a difficult choice, taking on a very powerful Member of Congress who had the ability, in some eyes, to delete all transportation funding for my own district. But I looked at this project, it was an earmark not by the Appropriations Committee but by the Transportation Committee, to build a $320 million structure slightly shorter than the Golden Gate Bridge, slightly taller than the Brooklyn Bridge, connecting Ketchikan, Alaska, population 50, with Gravina Island, population 50. Gravina Island has no paved roads, no restaurants, and no stores. It was clear that this was an extravagant expenditure of money by the United States taxpayers to benefit a very, very few number of Americans.

It was also disturbing about how this project was handled, as so many other low priority earmarks are air dropped without consideration by the House or Senate floors; no potential to amend or kill this project by Senators or Members of Congress; added to a conference report, that is a final bill, where everyone is only given one vote, “yes” or “no,” on the complete package and not able to reach in and delete funding for a low quality project.

Our battle, after the Kirk Amendment passed as a long one, but finally the Governor of Alaska relented. And thanks to public outrage, thanks to congressional scrutiny, thanks to concerned Americans around this country, the Bridge to Nowhere will not be built.

But we have seen so many other projects which do not pass even a laugh test among American taxpayers. For example, a new earmark, I understand, for the Berkeley school system would create reference menus for school lunches, clearly something that does not even pass the laugh test here on the House floor among Republicans or Democrats.

Also, we have seen these earmarks for Monuments to Me. I think it is perfectly appropriate when we see a proud public structure funded by the taxpayers to be named after one of our national heroes, to be named after a great American, or just great humanitarian from history or sitting politicians who currently hold public office. I am worried that, for example, throughout West Virginia we have many Senator BYRD centers. It seems like almost a large part of the State is now named after a sitting Member of Congress, who comes with feet of clay, someone who can have great, great attributes and great detractors, and someone who really should be judged by history before we name great public works after them.

Our reforms talk about ending funding for these Monuments to Me. It calls for an increased level of, I think, appropriate humility in what we fund. In the past, like many of my colleagues, I have requested earmarks because I have been struck by critical needs in my district. But increasingly, in order to get funding for small projects in your district, you are asked to support funding for large projects in other people's districts, for there to be more Monuments to Me, for things that are, quite frankly, not defensible for the public fisc and for the taxpayers' expenditure. I think we have to recognize that some of these earmarks will simply lead directly to higher taxes for the American people and for programs which do not reflect an appropriate decision by the government to remove funding from an individual taxpayer to provide for these projects.

That is why I back this moratorium that we have come forward with and I back the Kingston-Wolf reforms, because I think it is a recognition by members of the Appropriations Committee that the system is broken; that the public confidence in how this money is spent is not there; that Republicans and Democrats should join together to fix it; that the power of the purse is rightly put by the Constitution in the Congress. But it has to be a power that is respected. It has to be a power in which judgment is leveled and which the burden of proof is against spending the taxpayers' funds so that always we have a feeling towards the bottom line of balancing the budget and making sure the tax burden on the American people is equitable.

That is why I thank the gentleman from Tennessee and the gentleman from Virginia for having this Special Order and hope that this legislation can pick up bipartisan steam and be adopted by the American people. They get it, but some of the elected representatives of the American people here still don't get it, and their voices need to be heard.

I yield back to my friend from Virginia.

Mr. WOLF. I thank the gentleman. And in closing, unless the gentleman has any other comments, I would say this needs to be bipartisan. It is H. Con. Res. 263. I believe it will pass the House. I think it is inevitable that it will pass the House. We have to come together. I acknowledge there have been some sincere efforts made, and I think we come together and institutionalize this with regard to this select committee.

So I want to thank both Mr. WAMP and Mr. KIRK, and Mr. KINGSTON who could not be here, and the other Members who have put this together and say it needs to be done bipartisan. We have to do it so the American people can say, "Well done. It really makes sense."

I yield back the balance of my time.

GEORGE WASHINGTON

The SPEAKER pro tempore (Mr. COURTNEY). Under the Speaker's announced policy of January 18, 2007, the
gentleman from California (Mr. DANIEL E. LUNGREN) is recognized for 60 minutes.

Mr. DANIEL E. LUNGREN of California, Mr. Speaker, in 1968, Congress officially moved the Federal holiday acknowledging our first President's birthday to the third Monday in February, so now it is commonly known as President's Day. I rise today to give more specificity to such an ambiguously titled designation and to try to pay appropriate tribute to that first President and the development of constitutional self-government.

George Washington was born February 22, 1732, almost 276 years ago. He died on December 14, 1799, at the age of 67, a mere 2 years after choosing not to run for a third term, thereby establishing a precedent now enshrined in our 22nd amendment.

He has been described as America's premier military and civilian leader during the Revolutionary era, and yet, as one recently written, young people in particular do not know much about Washington.

By our time, in the early 21st century, George Washington seems so far removed from us as to be virtually incomprehensible. He seems to come from another place, another time, from another world.

He did not write a literary, political, military, or philosophical treatise that transformed our understanding of philosophy, physics, human affairs, or government. Nonetheless, throughout our history he has been compared to Cincinnatus, that late fifth century Roman figure who spurned his plow for a defense of Rome when so called by his countrymen to take command of the forces that had amassed in Massachu-setts and threaten the British occupation of Boston. On July 3, 1775, he took command of that Army, then called the Army of the United Colonies.

A couple of years ago, I was privileged to spend a semester at Harvard, and I remember walking through the streets just sort of looking at the people playing soccer and baseball, and I saw a monument that appeared to be not very spectacular. I went over to see what it was all about, and it was a statue of George Washington taking over that Army. Inscribed on the walls thereon are the words that he spoke that day to those troops. And while I do not have them from memory, I recall that he indicated to the men then assembled that they were to be united in this effort to fight for freedom. And as I stood there and looked at those words and tried to drink them in, you could almost sense the power of such a magnificent figure of George Washington, and I imagined thousands of scattered troops from all over. He was, in a very simple sense, a commander who commanded the attention and the loyalty of his men. Of course, the Army of the United Colonies was the next year changed to the Continental Army, sounding quite a bit more professional than it was in reality.

While never known for ground-breaking military tactics or strategic innovations, Washington nevertheless displayed admirable courage: exemplified by his exploits in 1775 at Pitts-burgh when, with British General Brad-dock injured, Washington had at least two horses shot out from under him, had bullets graze his uniform, only to be unhurt and commended for his bravery in leading the troops and organizing their retreat.

His subsequent leadership during the Revolutionary War was indispensable to the colonists' eventual success, finally achieved 8 long years later in the Treaty of Paris. He never accepted a salary as Commander in Chief of the Continental Army. More importantly, he was a visionary commander, finding such competent and important figures such as Nathanael Greene and the 25-year-old Boston bookseller Henry Knox.

While he fought a mere total of nine battles of which he only won three, Washington knew he had to keep the colonial forces intact in order to defeat the British and woo the French, a dual task he accomplished by not focusing on captured grounds, a war of posts as they say, but on maneuvering and survival. While highly critical of the untrained and undisciplined colonial forces, as Commander in Chief he wrote annual letters to the State governments and kept Congress knowledgeable of his situation in order to maintain some semblance of trust and harmony.

His surprise military and moral victories at Trenton and Princeton, as well as his steadfastness at Valley Forge the following winter, have gone down in American lore as true measures of commitment, of greatness, of self-sacrifice, and leadership. The suffering at Valley Forge was unimaginable. There, he wrote, "To see Men without Cloathes to cover their nakedness, without Blankets to lay on, without Shoes, by which their Marches might be traced by the blood from their feet, and almost as often without Provisions as with; Marching through frost and Snow, and at Christmas taking up their Winter Quarters within a day's March of the enemy, without a Hut to cover them till they could be built and submitting to it without a murmur, is a mark of patience and obedience which in my opinion can scarcely be parallel'd."

He helped to support Cornwallis at Yorktown in 1781, effectively ending the military aspect of the war. And after the Treaty of Paris was finalized, he resigned as Commander in Chief of the American forces and surrendered his sword to Congress on December 23, 1783.

Now, his decision to leave for retirement at Mount Vernon and attend the Constitutional Convention in Philadel-phia in 1787 was not one without risk. As James Madison said, Washington would be making a decision to "forsake the honorable retreat to which he had retired and risk the reputation he had so deservedly acquired." He did attended the Constitutional Convention, as President. As he later said: "Whencever I shall be convicted the good of my country requires my reputation to be
put at risk, regard for my own fame will not come in competition with an object of so much magnitude."

At the Constitutional Convention, his presence was a calming and vital force. Probably "the most graphic illustration of the singular status that Washington enjoyed was the decision of the Constitutional Convention to de-
posit the minutes of its secret delibera-
tions with him for safekeeping. And as Jefferson later told Thomas Jefferson: "Be assured, his influence carried this government."

His universal admiration helped over-
come the suspicions of the possibility of monarchy arising out of the new Constitution was a king-led paper, popularly elected executive office, a suspicion of which he was very much apprehensive. Republics were thought to be possible only in small, homo-
geneous enclaves, not on sprawling, vast that would safeguard the actuality of the Constitution and the concomitant heavy-handed government rule, either from necessity or the nature of power-hungry man, was widespread.

As Washington's first President, he in-
stantly knew he would be setting precedents for future executives to fol-
low as they walked this tightrope be-
tween centralization and dispersion of power, between deference and democ-
ocracy.

He was twice elected President unanimously by the Electoral College. As one of the premier historians of the founding era has written, "The whole thing," that is the creation of the Constitu-

tion, was merely words on paper until implemented by Washington's government. Washington knew how malleable the situation was; he under-
stood that every move he and his ad-
ministration made would be a prece-
dent that would shape the actuality of the Constitution, and he proceeded with great care. It was Washington, for example, who created the structure of the executive offices, "we now call the Cabinet, "and it was he who defined the State Department, foreign policy, and something of the operational meaning of the words 'advise and consent.'"

As Washington himself said: "We are a young nation and have a character to establish. It behooves us, therefore, to set out right, for first impression will be lasting."

As President, he believed in the rule of law, however unpopular such a belief might be at any given time. When the Whiskey Rebellion, a popular uprising in four counties in western Pennsyl-

vania protesting an excise tax on whis-
key, occurred, when it threatened to stop the normal functioning of civil government, Washington firmly stood against the coupling of civil authority.

More importantly, in relation to constitutional government, Wash-


ington was a firm adherent to its prin-
ciples. He believed, in contrast to oth-

ers of the age who sympathized with frequent revolutions ex nihilo, the de-

cisions of a republican people "only be

This preference for ballots over bul-


etes and appeal to republic, constitu-
tional, ballot-driven self-government would be made again by Abraham Lin-


colin in 1861 and be equally as powerful. Self-government in the new Republic required adherence to the law, that is, the Constitu-
tion, and this is reflected in the fact that Washington was the only Chief Executive of the fledgling Federal Gov-


ernment since 1789. He was the palpable reality that clothed the revolutionary

rhapsodies in flesh and blood, America's one and only indispensable char-
acter."

Joseph Ellis's description speaks for itself in relation to the man that we honor this month. Still, it is not only for these facts alone that George Wash-


tington has earned our highest esteem. He is also frequently commended in dis-
cussions of republican political thought and classical virtue. One histo-

ians has recently written that "Washington became a great man and was ac-


claimed as a classical hero because of the way he conducted himself during the temptation of personal character that set him off from other men."

Washington's life was immersed in this classical milieu of republicanism, honor, and deference. Wash-


ington loved the classical play "Cato" by Joseph Addison in which virtue, not


defeatism, and something of the virtues chronicle the American way of life.

In 1775 Washington said: "Make the best of mankind as they are, since we cannot have them as we wish." And as President, he ably navigated the wa-
ters between Anglo and French fac-


tions and their sympathizers, both overseas and within his own Cabinet.

It was Thomas Jefferson's opinion that Jay's Treaty of 1795, an important agreement which kept the United States out of the Franco-British impe-
rial intrigues, that it passed because of the "one man who outweighs them all in influence over the people." Wash-


ington.

Perhaps the words of the author Joseph Ells sum up this magnificent life most eloquently when he says: "Throughout the first half of the 1790s, the closest approximation to a self-evi-

dent truth in American politics was George Washington. During his own time, Americans had been describ-
ing Washington as 'the Father of the Country' since 1776, which is to say, be-


fores ever was a country. By the time he assumed the Presidency in 1789, no other candidate was even thinkable, the mythology surrounding Washington's reputation had grown like ivy over a statue, effectively covering the man with an aura of om-


nipotence, rendering the distinction between man and his heroic achievements impossible to de-


lineate."

In fact: "Some of the most incredible stories also happened to be true. Dur-


ing General Edward Braddock's ill-


fated expedition against the French outside Pittsburgh in 1755, a young Wash-


ington had joined with Daniel Boone to rally the survivors, despite having two horses shot out from under him and multiple bullet holes piercing his coat and cuffing his pants. At Yorktown in 1781, the 67-year-old Wash-


ington stood atop a parapet for a full 15 minutes during an artillery attack, bullets and shrapnel flying all about him, defying aides who tried to pull him down before he had properly sur-


veyed the field of action. When Wash-


ington spoke of destiny, people lis-


tened."

Finally: "His commanding presence had been the central feature in every major event of the revolutionary era: the linchpin of the Continental Army throughout 8 long years of desperate fighting from 1775 to 1783; the presiding officer at the Constitutional Conven-


tion in 1787; the first and only Chief Executive of the fledgling Federal Gov-


ernment since 1789. He was the palpable reality that clothed the revolutionary

rhapsodies in flesh and blood, America's one and only indispensable char-

acter."
part, these rapturous assessments simply expressed the excitability of men putting their lives on the line for what seemed a hopeless cause. They needed to see greatness, and so they saw it. But the accounts are too specific and too consistent for that to be the only reason. Soon after Washington too consistent for that to be the only reason.

As President, he attended the services of a variety of denominations. He addressed Jews as equal fellow citizens in his famous and articulate letter to the Newport Hebrew congregation in 1790. In it he said, “the citizens of the United States of America, have a right to applaud themselves for having given to mankind examples of a enlarged and liberal policy and a spirit of imitation. All possess alike liberty of conscience, and immunities of citizenship. It is now no more that toleration is spoken of, as if it were the indulgence of one class of people, that another enjoyed the exercise of their in-herent natural rights. For happily the government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its pro-tection should demean themselves as good citizens, in giving it on all occasions their effectual support. . . . May the children of the Stock of Abraham, who dwell in this land, continue to merit and enjoy the good will of the other inhabitants; while every one shall sit under his own vine and figtree, and there shall be none to make him afraid.”

This commitment to freedom of con-science had been previously heard in 1775 when Washington had written, “while we are contending for our own Liberty, we should be very cautious of violating the Rights of Conscience in others, ever considering that God alone is the Judge of the Hearts of Men, and to him only in this Case, they are answ-erable.”

Finally, his Farewell Address, with its encouragement to avoid excessive partisanship, maintain American neutrality, achieve diplomatic independ-ence, in short, to implement “unity at home and independence abroad” still strikes the chords of wisdom and prudence in our ears. I salute the man in whose tribute a monument without words stands in our capital today. Its height, statue and distinctiveiveness speak for themselves. He was a unique man who seemed to be immune to both bullets and smallpox. It may or may not be true that Wash-ington “had neither copiousness of ideas nor fluency of words.”

Nevertheless, even a sometime harsh critic like Thomas Jefferson had to admit that “the moderation and virtue of a single character . . . probably pre-vented this revolution from being closed, as most others have been, by a subversion of that liberty it was in-tended to establish.”

Now, Washington did say that “with our fate will the destiny of unborn millions be involved,” and as we look to his birth, life, service, and death, we know that he was right, and that should give us pause.

Without Washington’s character, his perseverance and achievements, all the important historiographical debates over the founding would be merely parlor games of an+osophical intrigue. Unlike events in decades and centuries past, Washington believed in, literally started, and served in the system of government which would be called self-government. Feudalism; monarchy; primogeniture; artificial hereditary distinctions, sectarian bloodbaths. These were not to be the demarcations of this new Nation. As Washington, in his cautiously optimistic manner said in 1783 Circular, “the foundation of our empire was not laid in the gloomy age of ignorance and super-stition, but at an epoch when the rights of mankind were better under-stood and more clearly defined than at any other period. These rights were understood and defined on this newly freed and expanding continent, a land of which Washington said, “is there a doubt whether a common government can embrace so large a sphere? Let ex-perience solve it. . . . It is well worth a fair and full experiment.” For “Washington, America was a practical experiment in the preserva-tion of liberty and the success of repub-lican government.” As he said in his First Inaugural Address on April 30, 1789, “The preservation of the sacred fire of liberty and the destiny of the repub-lican model of government are justly considered, perhaps, as deeply, as fi-nally, staked on the experiment entrusted in the hands of the American people.”

In contrast to monarchies, Wash-ington established the republican prin-ciple of rotation in office. “Presidents, no matter how indispensable, were inherently disposable.”

George Washington was “an extra-ordinary man who made it possible for ordinary men to rule.” In the words of the great Frederick Douglass, the former slave and abolitionist, “I would not, even in words,” he said, “do vio-ence to the great events, and thrilling associations, that gloriously cluster around the birth of our national inde-pendence.” “No people ever entered upon pathways of nations, with higher and grander ideas of justice, liberty and humanity than ourselves.” The Speaker would like to thank George Washington to thank for such benefi-cence. He made it happen. Now let us live up to that challenge to articulate and legislate the contours of liberty and justice for our collective humanity in these United States.

Happy birthday, President Wash-ington. We honor you and appreciate your service to this, to our great coun-try.

LEAVE OF ABSENCE

By unanimous consent, leave of ab-sence was granted to:

Ms. Esty (at the request of Mr. HOYER) for today after 2:45 p.m.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legis-lative program and any special orders hereafter entered, was granted to:
### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. JOSEPH R. PITTS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND JAN. 9, 2008

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1 Per diem constitutes lodging and meals. 2 Foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2007

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1 Per diem constitutes lodging and meals. 2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2007

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1 Per diem constitutes lodging and meals. 2 Military air transportation.
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Committee total | 64,455.04 | 38,833.13 | 3,599.51 | 106,896.68

1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
3 Military air transportation.
4 Includes conference fees.
Visit to Iraq, Kuwait, October 4–9, 2007:

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<td>Timothy McCloud</td>
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<td>Alexander Kupajevsky</td>
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| Visit to Brazil, Argentina, Colombia, Panama, November 18–24, 2007:

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<th>Per diem</th>
<th>Transportation</th>
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</tbody>
</table>

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return.

DAVID M. POMERantz.
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<tr>
<th>Name of Member or employee</th>
<th>Arrival</th>
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<th>Country</th>
<th>Per diem</th>
<th>Transportation</th>
<th>Other purposes</th>
<th>Total</th>
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<td>..........</td>
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<td>Iraq</td>
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<tr>
<td>Kevin Goepfritz ..........</td>
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<td>11/20</td>
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<tr>
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<td>11/20</td>
<td>11/21</td>
<td>Chad</td>
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<td>11/22</td>
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<td>11/28</td>
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<td>Visit to India, Iraq, Iran, Afghanistan, Germany, November 18–26, 2007:</td>
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<td>11/28</td>
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<td>11/28</td>
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<td>Kuwait</td>
<td>105.00</td>
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</table>

**Notes:**
- Foreign currency rates are based on the conversion rate of the dollar to the equivalent foreign currency.
- The per diem rates are for travel on official business.
- Transportation costs are for airfare and ground transportation.
- Other purposes may include meals, incidentals, and other expenses.
- Total expenses are calculated by summing per diem, transportation, and other purposes.
## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2007

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<th>Name of Member or employee</th>
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<th>Departure</th>
<th>Country</th>
<th>Per diem 1</th>
<th>Transportation</th>
<th>Other purposes</th>
<th>Total</th>
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<td>12/16</td>
<td>12/17</td>
<td></td>
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</tbody>
</table>
Hon. Ike Skelton  ... ... ...  | 12/23   | 12/24     | Iraq    | 150.00     |               |               | 150.00|
|                           | 12/25   | 12/27     | Turkey  | 360.00     |               |               | 360.00|
|                           | 12/25   | 12/27     | Kuwait  | 360.00     |               |               | 360.00|
| Commercial transportation  | 12/23   | 12/24     | Kuwait  | 150.00     |               |               | 150.00|
|                           | 12/24   | 12/25     | Iraq    | 360.00     |               |               | 360.00|
|                           | 12/25   | 12/27     | Turkey  | 360.00     |               |               | 360.00|
|                           | 12/25   | 12/27     | Kuwait  | 360.00     |               |               | 360.00|
| Hon. Nancy Boyda  ... ... ...  | 12/23   | 12/24     | Kuwait  | 150.00     |               |               | 150.00|
|                           | 12/24   | 12/25     | Iraq    | 360.00     |               |               | 360.00|
|                           | 12/25   | 12/27     | Kuwait  | 360.00     |               |               | 360.00|
|                           | 12/25   | 12/27     | Turkey  | 360.00     |               |               | 360.00|
|                           | 12/25   | 12/27     | Kuwait  | 360.00     |               |               | 360.00|
| Hon. Randy Forbes  ... ... ...  | 12/23   | 12/24     | Kuwait  | 150.00     |               |               | 150.00|
|                           | 12/24   | 12/25     | Iraq    | 360.00     |               |               | 360.00|
|                           | 12/25   | 12/27     | Kuwait  | 360.00     |               |               | 360.00|
|                           | 12/25   | 12/27     | Turkey  | 360.00     |               |               | 360.00|
|                           | 12/25   | 12/27     | Kuwait  | 360.00     |               |               | 360.00|
| Hon. Gene Taylor  ... ... ...  | 12/23   | 12/24     | Kuwait  | 150.00     |               |               | 150.00|
|                           | 12/24   | 12/25     | Iraq    | 360.00     |               |               | 360.00|
|                           | 12/25   | 12/27     | Kuwait  | 360.00     |               |               | 360.00|
|                           | 12/25   | 12/27     | Turkey  | 360.00     |               |               | 360.00|
|                           | 12/25   | 12/27     | Kuwait  | 360.00     |               |               | 360.00|
| Erin Cenaton  ... ... ...  | 12/23   | 12/24     | Kuwait  | 150.00     |               |               | 150.00|
|                           | 12/24   | 12/25     | Iraq    | 360.00     |               |               | 360.00|
|                           | 12/25   | 12/27     | Kuwait  | 360.00     |               |               | 360.00|
|                           | 12/25   | 12/27     | Turkey  | 360.00     |               |               | 360.00|
|                           | 12/25   | 12/27     | Kuwait  | 360.00     |               |               | 360.00|
| Kyle Wilkens  ... ... ...  | 12/23   | 12/24     | Kuwait  | 150.00     |               |               | 150.00|
|                           | 12/24   | 12/25     | Iraq    | 360.00     |               |               | 360.00|
|                           | 12/25   | 12/27     | Kuwait  | 360.00     |               |               | 360.00|
|                           | 12/25   | 12/27     | Turkey  | 360.00     |               |               | 360.00|
|                           | 12/25   | 12/27     | Kuwait  | 360.00     |               |               | 360.00|
| William Ebbs  ... ... ...  | 12/15   | 12/16     | Iraq    | 278.00     |               |               | 278.00|
|                           | 12/15   | 12/16     | Kuwait  | 360.00     |               |               | 360.00|
|                           | 12/15   | 12/16     | Turkey  | 360.00     |               |               | 360.00|
|                           | 12/16   | 12/17     | Ireland | 278.00     |               |               | 278.00|
|                           | 12/16   | 12/17     |         |            |               |               |       |
| Total                     |         |           |         | 3,619.14    |                | 1,400.79      | 5,019.93|
| Commercial transportation  | 12/23   | 12/24     | Kuwait  | 155.00     |               |               | 155.00|
|                           | 12/24   | 12/25     | Iraq    | 360.00     |               |               | 360.00|
|                           | 12/25   | 12/27     | Kuwait  | 360.00     |               |               | 360.00|
|                           | 12/25   | 12/27     | Turkey  | 360.00     |               |               | 360.00|
|                           | 12/25   | 12/27     | Kuwait  | 360.00     |               |               | 360.00|
| Hon. Randy Forbes  ... ... ...  | 12/23   | 12/24     | Kuwait  | 155.00     |               |               | 155.00|
|                           | 12/24   | 12/25     | Iraq    | 360.00     |               |               | 360.00|
|                           | 12/25   | 12/27     | Kuwait  | 360.00     |               |               | 360.00|
|                           | 12/25   | 12/27     | Turkey  | 360.00     |               |               | 360.00|
|                           | 12/25   | 12/27     | Kuwait  | 360.00     |               |               | 360.00|

1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2007

### Name of Member or employee

<table>
<thead>
<tr>
<th>Name of Member or employee</th>
<th>Arrival</th>
<th>Departure</th>
<th>Country</th>
<th>Per diem 1</th>
<th>Transportation</th>
<th>Other purposes</th>
<th>Total</th>
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<td>Hon. Bob Goodlatte</td>
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<td>7,407.36</td>
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</table>

1. Per diem constitutes lodging and meals.

2. If foreign currency is used, enter U.S. dollar equivalent, if U.S. currency is used, enter amount expended.

3. Military air transportation.

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2007

<table>
<thead>
<tr>
<th>Name of Member or employee</th>
<th>Arrival</th>
<th>Departure</th>
<th>Country</th>
<th>Per diem 1</th>
<th>Transportation</th>
<th>Other purposes</th>
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<td>foreign currency in U.S. dollar equivalent or U.S. currency 2</td>
<td>foreign currency in U.S. dollar equivalent or U.S. currency 2</td>
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<td>304.00</td>
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</tbody>
</table>

1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent, if U.S. currency is used, enter amount expended.
3 Military air transportation.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3532. A letter from the Senior Vice President for Congressional Affairs, Export-Import Bank, transmitting the Bank's FY 2007 annual report, pursuant to 5 U.S.C. 3512(c)(3); to the Committee on Oversight and Government Reform.

3533. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting the annual report to Congress on the operations of the Export-Import Bank for Fiscal Year 2007, pursuant to 12 U.S.C. 635g; to the Committee on Financial Services.

3534. A letter from the Acting Director, Office of Management, Federal Housing Finance Board, transmitting the Board's information on its 2008 compensation program, including current base salary structures, pursuant to 12 U.S.C. 4586; to the Committee on Financial Services.


3538. A letter from the Secretary, Department of Commerce, transmitting the Department's 2006 Annual Report on the Administration's "Profiles of Foreign Direct Investment in U.S. Energy 2006," pursuant to Public Law 95-91, section 107(a); to the Committee on Energy and Commerce.

3539. A letter from the Secretary, Department of Commerce, transmitting the Department's Federal Financial Assistance Management Improvement Act of 1999, pursuant to Public Law 106-107, section 5(i); to the Committee on Oversight and Government Reform.

3540. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department’s Annual Report on Implementation of the Federal Financial Assistance Management Improvement Act of 1999, pursuant to Public Law 106-107, section 5(i); to the Committee on Oversight and Government Reform.

3541. A letter from the Director, Office of Management and Budget, transmitting the Office's annual report for fiscal year 2007, in accordance with Section 203(a) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Oversight and Government Reform.

3542. A letter from the Secretary of the Board of Governors, U.S. Postal Service, transmitting the Board's final rule as required by Section 3636(c) of the Postal Accountability and Enforcement Act of 2006; to the Committee on Oversight and Government Reform.

3543. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the report detailing the progress and the status of compliance with privatization requirements, pursuant to Public Law 106-33, section 112(b)(1)(C), (Stat. 734); to the Committee on the Judiciary.

3544. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2008-9, Waiver of Section 1083 of the National Defense Authorization Act for Fiscal Year 2008; to the Committee on the Judiciary.

3545. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Visas and Immigration of Asylum Seekers Under the Immigration and Nationality Act—January 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3546. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace: Philadelphia, PA; [Docket No. FAA-2005-22493; Airspace Docket No. 05-AEA-018] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3547. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace: St. Marys, PA. [Docket No. FAA-2005-22491; Airspace Docket No. 05-AEA-017] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3548. A letter from the Program Analyst, Department of Transportation, transmitting the Department’s final rule—Amendment of Class E Airspace: Williamsport, PA. [Docket No. FAA-2005-22495; Airspace Docket No. 05-AEA-021] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3549. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace: Portadown, PA. [Docket No. FAA-2005-22490; Airspace Docket No. 05-AEA-018] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3550. A letter from the Program Analyst, Department of Transportation, transmitting the Department’s final rule—Amendment of Class E Airspace: Fort Scott, KS. [Docket No. FAA-2007-27871; Airspace Docket No. 07-AEC-6] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3551. A letter from the Program Analyst, Department of Transportation, transmitting the Department’s final rule—Amendment of Class E Airspace: Lee’s Summit, MO. [Docket No. FAA-2007-27876; Airspace Docket No. 07-AEC-19] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3552. A letter from the Program Analyst, Department of Transportation, transmitting the Department’s final rule—Modification of Class E Airspaces: Portland, ME. [Docket No. FAA-2007-22492; Airspace Docket No. 05-AEA-020] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3553. A letter from the Program Analyst, Department of Transportation, transmitting the Department’s final rule—Amendment of Class E Airspace: St. Marys, PA. [Docket No. FAA-2005-22492; Airspace Docket No. 05-AEA-020] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3554. A letter from the Program Analyst, Department of Transportation, transmitting the Department’s final rule—Amendment of Class E Airspace: Du Bois, PA [Docket No. FAA-2007-22493; Airspace Docket No. 05-AEA-018] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3555. A letter from the Program Analyst, Department of Transportation, transmitting the Department’s final rule—Amendment of Class E Airspace: Williamsport, PA. [Docket No. FAA-2005-22495; Airspace Docket No. 05-AEA-021] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.
When Committee on Transportation and Infrastructure was established.

532. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 707 Airplanes and Model 720 and 720B Series Airplanes (Docket No. FAA-2007-28833; Directorate Identifier 2007-NM-229-AD; Amendment 39-15242; AD 2007-22-01) (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

533. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 Airplanes (Docket No. FAA-2007-0057; Directorate Identifier 2007-NM-229-AD; Amendment 39-15242; AD 2007-22-01) (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.


538. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 Airplanes (Docket No. FAA-2007-0057; Directorate Identifier 2007-NM-229-AD; Amendment 39-15242; AD 2007-22-04) (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

539. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200, -200PF, and -200CF Series Airplanes (Docket No. FAA-2007-28996; Directorate Identifier 2007-NM-211-AD; Amendment 39-15198; AD 2007-19-07) (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

540. 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 Series Helicopters (Docket No. FAA-2007-28996; Directorate Identifier 2007-SW-12-AD; Amendment 39-15237; AD 2007-22-01) (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORtS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BRADY of Pennsylvania: H. Res. 989. Resolution disallowing the election contest relating to the office of Representative from the thirteenth Congressional District of Florida (Rept. 110-529). 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. ROSS (for himself and Mr. NUNES):

H.R. 5437. A bill to promote alternative and renewable fuels, domestic energy production, conservation, and energy efficiency, to increase American energy independence, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, Oversight and Government Reform, Armed Services, Agriculture, Natural Resources, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FALEOMAVAEGA:

H.R. 5438. A bill to name the Department of Veterans Affairs medical facility in Tafuna, American Samoa, as the "Fuga Tolani Walter Veterans Affairs Medical Facility"; to the Committee on Veterans' Affairs.

By Mr. THORNBERY:

H.R. 5439. A bill to establish the Civil Service Reform Commission; to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POSSessional, Mr. KING of New York, Mr. HOEKSTRA, and Mr. SMITH of Texas:

H.R. 5440. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JONES of North Carolina (for himself, Mr. KLINE of Minnesota, Ms. LONGINA, Mr. BOYDA of Kansas, Ms. SHARR-PORTER, and Mr. WILSON of South Carolina):
H. R. 5441. A bill to amend title 10, United States Code, to extend the special survivor indemnity allowance to survivors of certain members of the Armed Forces who die on active duty; to the Committee on Armed Services.

By Mr. MARKEY (for himself, Mr. EMANUEL, and Mrs. CAPPS).

H. R. 5442. A bill to provide individuals with access to health information of which they are a subject, to ensure personal privacy, security, and confidentiality with respect to health related information in promoting the development of a nationwide interoperable health information infrastructure, to impose criminal penalties for unauthorized use of personal health information, to provide for the strong enforcement of these rights, to protect States’ rights, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROYCE (for himself and Mrs. TAUSCHEI).

H. R. 5443. A bill to improve defense cooperation with the Republic of Korea and the United States; to the Committee on Foreign Affairs.

By Mr. CLYBURN (for himself, Mr. FALOMAVARGA, Mr. BORDALLO, Ms. HIRONO, Mr. MATSU, Mr. WU, Mr. ABERCROMBIE, Mr. BACA, Mr. BEREZAK, Mr. CARDOZA, Mr. COSTA, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. NINOJOA, Mrs. NAPOLETON, Mr. ORTIZ, Mr. PASTOR, Mr. ROQUEZUE, Ms. SANCHEZ of California, Mr. ROYAL, Mr. SALAZAR, Mr. SERRANO, Ms. VELEZQUEZ, Mr. SIREN, Ms. KILPATRICK, Ms. LEE, Mr. CLAY, Ms. CHRISTENSEN, Mr. CLARK, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. ELLISON, Mr. HASTINGS of Florida, Mr. AI GREEN of Texas, Mr. FATTAH, Mr. JACKSON of Illinois, Mr. JEFFERSON, Mr. THOMPSON of Mississippi, Ms. WATERS, Ms. WATSON, Ms. ALTMAN of Virginia, Mr. SCOTT of Georgia, Mr. RUSH, Mr. MISSON, Mr. RANGEL, Mr. PAYNE, Ms. NORTON, Ms. MOORE of Wisconsin, Mr. MEeks of New York, Mr. MEek of Florida, Mr. LEWIS of Georgia, Mrs. JONES of Ohio, Mr. JOHNSON of Georgia, and Ms. EDDIE BERNICE JOHNSON of Texas):—

H. R. 5444. A bill making supplemental appropriations for fiscal year 2008 for summer youth employment activities; to the Committee on Appropriations, and in addition to the Committee on the Budget, 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. PRICE of Georgia (for himself and Mr. JACKSON of Georgia).

H. R. 5445. A bill to amend part B of title XVIII of the Social Security Act to increase Medicare payments for physicians’ services through December 31, 2009; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself, Mr. DOYLE, Mr. ROS-LEHTIEN, Mr. LANGEVIN, Mr. PENCE, Mr. WOLF, and Mr. WELDON of Florida):—

H. R. 5446. A bill to improve and make permanent health and education grant program related to autism spectrum disorders, and for other purposes; to the Committee on Foreign Affairs.

By Mr. TOWNSEND (for himself, Mr. SHAWS, Ms. DAVIS of California, Mr. RODRIGUEZ, Ms. LEE, Mr. GUTIERREZ, Ms. INSLEE, Mr. FARR, and Mr. DRAHAN):—

H. R. 5447. A bill to establish the Social Work Reinvestment Commission to provide independent counsel to Congress on policy issues associated with the recruitment, retention, and reinvestment in the profession of social work; to the Committee on Education and Labor.

By Mr. SUNON (for himself and Mr. MICHAEL):—

H. R. 5448. A bill to amend title 38, United States Code, to improve the disability compensation evaluation procedure of the Secretary of Veterans Affairs for veterans with post-traumatic stress disorder, to improve the diagnosis and treatment of post-traumatic stress disorder by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans’ Affairs.

By Mr. KAGEN (for himself, Mr. BEAVER, Mr. PERLMUTTER, Mr. COHEN, Mr. MCKINNEY, Ms. CASTOR, Mr. WALZ of Minnesota, Mr. JOHNSON of Georgia, Mr. GRALAJA, Ms. HINOJOA, Mr. NAPOLETON, Ms. SUTTON, Ms. CLARK, Mr. CONYERS, and Mr. ELLISON):

H. R. 5449. A bill to amend the Employee Retirement Income Security Act of 1974, Public Health Service Act, and the Internal Revenue Code of 1986 to prohibit discrimination in group health coverage and individual health insurance coverage; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAM JOHNSON of Texas (for himself, Mr. POMEROY, Mr. HERGER, Mr. CAMP of Michigan, Mr. BRADY of Pennsylvania, and Mr. CANTOR):—

H. R. 5450. A bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 263F; to the Committee on Energy and Commerce.

By Ms. BORDALLO for herself, Mr. KILDEE, Mr. SATXON, Mr. DE PAVIO, Mr. FALOMAVARGA, Mr. ABERCROMBIE, Mr. GLICKREDEV, Mr. PARK, Ms. CAPP, Mrs. CHRISTENSEN, Mr. ALLEN, Mr. FORTUNO, Mr. BROWN of South Carolina, Mr. PALLONE, and Ms. ROSE-JOHNSON of Texas):—

H. R. 5451. A bill to repeal the Coastal Zone Management Act of 1972, and for other purposes; to the Committee on Natural Resources.

By Mrs. CAPPS (for herself, Mr. DELAHUNT, Mr. BORDALLO, Mr. INSLEE, Mr. FAHR, Mr. FALOMAVARGA, and Ms. MATSU):—

H. R. 5452. A bill to amend the Coastal Zone Management Act of 1972 to authorize assistance to coastal states to develop, coastal climate adaptation plans pursuant to approved management programs approved under section 306, to minimize contributions to climate change, and for other purposes; to the Committee on Natural Resources.

By Mr. BROWN of South Carolina (for himself and Mr. FRICHE of North Carolina):

H. R. 5454. A bill to amend title 38, United States Code, to establish a presumption of service connection for cerebral palsy and multiple sclerosis for purposes of the laws administered by the Secretary of Veterans Affairs; to the Committee on Veterans’ Affairs.

By Mr. RYAN:

H. R. 5455. A bill to amend title 11 of the United States Code to make nondischargeable debts for personal injuries that result in permanent disability; to the Committee on the Judiciary.

By Mr. CLEVER:

H. R. 5456. A bill to suspend temporarily the duty on Tembotrione; to the Committee on Ways and Means.

By Mr. CLEVER:

H. R. 5457. A bill to extend the temporary suspension of duty on Deltamethrin; to the Committee on Ways and Means.

By Mr. CLEVER:

H. R. 5458. A bill to suspend temporarily the duty on Hydrazine monohydrate; to the Committee on Ways and Means.

By Mr. CLEVER:

H. R. 5459. A bill to extend the temporary suspension of duty on Triadimefon; to the Committee on Ways and Means.

By Ms. ESHOO (for herself and Mr. BURTON of Indiana):

H. R. 5460. A bill to amend the Detainee Treatment Act of 2005 and title 18, United States Code, to include waterboarding in the definition of cruel, inhuman, or degrading treatment or punishment and in the definition of torture, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FATTAH (for himself, Mr. PORTER, Ms. GONZALEZ of Florida, Mr. CARDOZA, Mr. CUMMINGS, Mr. PAYNE, Mr. HINOJOA, Mr. COOPER, Mr. STARK, Mr. FELNER, Mr. PLATTS, Ms. LORETTA SANCHEZ of California, Mr. RAMSTAD, Mr. ELLISON, Mr. DAVIS of Illinois, Mr. ENGEL of Pennsylvania, Ms. WASSERMAN SCHULTZ, Mr. LEWIS of Georgia, Ms. WOOLSEY, Mr. BORDALLO, Mr. MALONY of New York, Mr. MCDERMOTT, Mr. LAMPSON, Mr. TERRY, Mr. CONNEDY, Mr. GRALAJA, Mr. OBERSTAR, Mr. YOUNG of Alaska, Mr. JEFFERSON, Ms. NORTON, Mr. KILPATRICK, and Ms. SCHAKOWSKY):

H. R. 5461. A bill to require the President to call a White House Conference on Children and Youth in 2010; to the Committee on Education and Labor.

By Mr. GOMERT (for himself, Mr. KLINE of Minnesota, Mr. CAMPBELL of California, Mr. BRADY of Texas, Mr. KING of Iowa, Mr. SALI, Mr. LAMAR, Mr. CONAWAY, Mr. SHADEK, Mr. CHABOT, Mr. PRICE of Georgia, Mr. DAVID Davis of Tennessee, Mr. GARRETT of New Jersey, Mr. KANSEY of Arizona, Mrs. MYRECK, Mr. SAM JOHN- son of Texas, Mr. MANZULLO, Mr.
GOODE, Mr. PETTIS, Mr. WAMP, Mr. FEENY, Mr. WALBERG, Mr. GINGRICH, Mr. MCDERMOTT, Mr. MCDERMOTT, Mr. HERGER, Mrs. BACHMANN, Mrs. BLACKBURN, Mr. MOORMAN of Georgia, Mr. BLIBRAY, Mr. BROWN of South Carolina, Mr. ISSA, Mr. NEUGEBAUER, Mr. HUNTER, Mr. POR, Mr. HALL of Texas, Mr. MURDOCH, Mr. BUTRON of Indiana, Mr. BARTON of Texas, Mr. MCHENNY, Mr. SESSIONS, Mr. HAYES, Mr. LATTA, Mr. FENCE, Mr. KING of New York, and Mr. DANIEL E. LUNSFORD of California:

H.R. 5462. A bill to amend title 10, United States Code, to authorize Federal funds for any State or city, county, or other political subdivision of a State that prohibits or unduly restricts the establishment or operation of a military recruiting office; to the Committee on Armed Services, and in addition to the Committee on Education and Labor, 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. HENSARLING (for himself and Mr. ROYCE):

H.R. 5463. A bill to protect investors by fos-tering transparency and accountability of attorneys in private securities litigation; to the Committee on the Judiciary, 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. KLEIN of Florida (for himself, Mr. SENSENSHRENNER, Mr. NADLER, Mr. MALCOLM, Mr. WEINBERG, Mr. COHEN, Mr. JOHNSON of Georgia, Ms. SUTTON, Ms. WASSERMAN SCHULTZ, Ms. GRANGER, Mr. CANDLER, Mr. BURTON of Indiana, Mr. MURDOCH, Mr. MCDERMOTT, Mr. MEKKER of Florida, and Mr. SCOTT of Virginia):

H.R. 5465. A bill to direct the Attorney General to make an annual grant to the Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes; to the Committee on the Judiciary.

By Mr. LOEBSACK (for himself, Mr. GILCHREST, Mr. BISHOP of Georgia, Mr. JOHNSON of Georgia, Mr. BRADY of Pennsylvania, Mr. ABERCHORMIE, Mr. BOEHMER, Mr. PAYG, Ms. HOOLEY, and Ms. SHEA-PORTER):

H.R. 5465. A bill to require the Department of Defense to implement a pain care initiative, and for other purposes; to the Committee on Armed Services.

By Mr. MCDERMOTT (for himself, Mr. STARK, Mr. Lewis of Georgia, Ms. BONINNO, Mr. DENNIS of Mississippi, Mr. DELAURO, and Mr. FATTAH):

H.R. 5466. A bill to improve outcomes for vulnerable children by investing in families, improving the accountability in the child welfare system, and finding safe, stable, and permanent homes for foster children; to the Committee on Ways and Means.

By Ms. THOMAS MURPHY of Pennsylvania (for himself and Mr. BLIBRAY):

H.R. 5467. A bill to amend the Improper Payments Information Act of 2002 (5 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars; to the Committee on Oversight and Government Reform.

By Mr. STEFFY (for himself and Mr. PLATT):

H.R. 5468. A bill to amend title XIX of the Social Security Act to provide Medicaid coverage for children’s cancer research; to the Committee on Energy and Commerce.

By Ms. SLAUGHTER (for herself, Ms. SCHWARTZ, Mr. COHEN, Mr. SHAYS, Mr. McHUGH, Mr. BRALEY of Iowa, Mr. BLUMENAUER, Mr. THOMPSON of California, Mr. HUNTER, Mr. HOMEYER of New York, Mrs. MCArTHY of New York, Mr. CuELLAR, Mr. SERRANO, Mr. HOGGINS, Mr. RUPPERSBERGER, Mr. SUTTON, Mr. SYNDELIER, Mr. WILSON (of Michigan), Mr. KAPRITZ, and Mr. KENNEDY):

H.R. 5469. A bill to provide grants for the revitalization of waterfront brownfields; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT:

H.R. 5470. A bill to amend the Communications Act of 1934 to require the carriage of all local television signals by satellite carriers in all local markets; to the Committee on Energy and Commerce.

By Mr. TOWNS (for himself and Mrs. BLACKBURN):

H.R. 5471. A bill to require the Consumer Product Safety Commission to prescribe rules requiring distinctive markings on toy NHLs in order to prevent the loss of billions in taxpayer dollars; to the Committee on Energy and Commerce.

H.R. 5472. A bill to designate the facility of the United States Postal Service located at 2650 Dr. Martin Luther King Jr. Street, Indiana, as the “Julia M. Carson Post Office Building”; to the Committee on Oversight and Government Reform.

By Mr. WELCH:

H.R. 5473. A bill to increase the supply and lower the cost of petroleum by temporarily suspending the acquisition of petroleum for the Strategic Petroleum Reserve; to the Committee on Energy and Commerce.

By Mr. ROGERS of Alabama (for himself, Mr. MEKKER of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. BISHOP of Georgia, Mr. McGOVERN, Mr. GALLEGLY, Mr. UBALL of Colorado, Mr. RAGUS, Mr. BONNER, Mr. HASTINGS of Florida, Mr. FOSSELLA, Mr. CARTER, Mr. RANGL, Mr. FARR, Mr. VAN HOLLAN, Mr. FLIES, Mr. DAVIS of Alabama, Mr. EVERTT, Ms. WASSERMAN SCHULTZ, Ms. MYRICK, and Mr. CRAMER):

H. Con. Res. 297. Concurrent resolution recogniz- ing the 60th anniversary of the integration of the United States Armed Forces; to the Committee on Armed Services.

H. Con. Res. 298. Concurrent resolution rec- ognizing the 2650th anniversary of the signing of the Magna Carta; to the Committee on Energy and Commerce.

H. Con. Res. 299. Concurrent resolution rec- ognizing the 60th anniversary of the integration of the United States Armed Forces; to the Committee on Armed Services.

By Mr. BAIRD (for himself, Mr. BLUMENAUER, Mr. CROWLEY, Ms. DEGETTE, Mr. EHRLERS, Mr. ETHERIDGE, Mr. GORDON, Mr. INSLER, Mr. JOHNSON (of New Jersey), Ms. MALONEY of New York, Mr. MURPHY of Connecticut, Mr. PATRICK MURPHY of Pennsylvania, Ms. SCHWARTZ, Mr. SMITH of Washington, Mr. UDALL of Colorado, Mr. UPTON, Mr. VAN HOLLEN, Mr. WALDEN of Oregon, and Mr. WAMP):

H. Res. 986. A resolution recognizing the courage and sacrifice of those members of the United States Armed Forces who were held as prisoners of war during the Vietnam conflict and calling for a full accounting of the 1,729 members of the Armed Forces who remain unaccounted for from the Vietnam conflict; to the Committee on Armed Serv- ices.

By Mr. BAIRD (for himself, Mr. BLUMENAUER, Mr. CROWLEY, Ms. DEGETTE, Mr. EHRLERS, Mr. ETHERIDGE, Mr. GORDON, Mr. INSLER, Mr. JOHNSON (of New Jersey), Ms. MALONEY of New York, Mr. MURPHY of Connecticut, Mr. PATRICK MURPHY of Pennsylvania, Ms. SCHWARTZ, Mr. SMITH of Washington, Mr. UDALL of Colorado, Mr. UPTON, Mr. VAN HOLLEN, Mr. WALDEN of Oregon, and Mr. WAMP):

By Mr. MATHESON (for himself, Mrs. CURNIN, Ms. BALDWIN, Mr. FERGUSON, Mr. CUMMINGS, Mr. SESSIONS, Mrs. CAPPA, Mr. TIM MURPHY of Pennsylva- nia, Mr. ROSS, Mr. FOSSELLA, Mr. GENE GREEN of Texas, Mr. HINOJOSA, Mr. TOWNS, Mr. BAIRD, and Ms. HOOLEY):

H. Res. 998. A resolution designating the month of March 2008 as “MRSA Awareness Month”; to the Committee on Energy and Commerce.

By Mr. CHAROT (for himself, Mr. PAYNE, Mr. FLAKE, Mr. BERSMAN, Mr. ROYCE, Mr. BLUMENAUER, and Mr. MORAN of Virginia):

H. Res. 990. A resolution encouraging the accelerated removal of agricultural subsidies of industrialized countries to alleviate pov- erty and promote growth, health, and sta- bility in the economies of African countries; to the Committee on Foreign Affairs.

By Mr. ISRAEL:

H. Res. 991. A resolution recognizing the exceptional sacrifice of the 69th Infantry Division, known as the ‘Green Howth,’ in support of the Global War on Terror; to the Committee on Armed Services.

By Mr. ISRAEL (for himself and Ms. PAYNE of Ohio):

H. Res. 992. A resolution honoring the sac- rifice of all mothers in the Armed Forces.

ADDITIONAL SPONSORS Under clause 7 of rule XII, sponsors were added to public bills and resolu- tions as follows:
H. Con. Res. 295: Mr. Whitfield of Kentucky.
H. Res. 111: Ms. Eddie Bernice Johnson of Texas.
H. Res. 248: Mr. Broun of Georgia and Mrs. Wilson of New Mexico.
H. Res. 333: Mr. Boswell.
H. Res. 339: Mr. Walz of Minnesota.
H. Res. 356: Mr. Altmire and Mr. English of Pennsylvania.
H. Res. 679: Ms. Schakowsky and Mr. Cummings.
H. Res. 887: Mr. Marchant, Mr. Fossella, Ms. Herseth Sandlin, Mr. Shuler, Mr. Kline of Minnesota, and Mr. Altmire.
H. Res. 924: Ms. Sutton.
H. Res. 930: Mr. Scott of Georgia and Mr. Pascrell.
H. Res. 934: Ms. Granger.
H. Res. 939: Mr. Carter and Mr. Porter.
H. Res. 948: Mr. Boswell, Mrs. Davis of California, Mr. Bratton of Iowa, Mr. Honda, Mr. Walz of Minnesota, Ms. Bordallo, Mr. Johnson of Georgia, Mr. Reyes, Mr. Ortiz, and Mr. Ryan of Ohio.
H. Res. 951: Mr. Arcuri, Ms. Bordallo, Mr. Etheridge, Mr. Gary G. Miller of California, Mrs. Msgraves, Mr. Simpson, Mr. Tiahrt, Mr. Wexler, Ms. Clarke, Mr. Lipinski, Mr. Holden, and Mr. Kagen.
H. Res. 953: Mr. Miller of Florida, Mr. Hayes, Mr. Rogers of Alabama, Mr. Cole of Oklahoma, Mrs. Miller of Michigan, Mr. Sessions, Ms. Shuster, Mr. LoBiondo, Mr. Lamborn, Mr. Franks of Arizona, Mr. Hunter, Mr. Everett, and Mr. McHugh.
H. Res. 962: Mr. Wynn, Ms. Kilpatrick, Ms. Jackson-Lee of Texas, and Ms. Linda T. Sanchez of California.
H. Res. 977: Mr. Hinchey, Mr. Tim Murphy of Pennsylvania, Mr. Pallone, Mr. Chandler, Mr. Ross, and Ms. Hirono.
H. Res. 978: Mr. Moore of Kansas, Ms. Kilpatrick, and Mr. Meeks of New York.
The Senate met at 9:30 a.m. and was called to order by the Honorable Mark L. Pryor, a Senator from the State of Arkansas.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

> Let us pray.

Almighty God, who desires truth in the inward parts, keep our lawmakers in Your care. As they dedicate their talents to the Nation’s well-being, make our Senators faithful to each challenging duty, loyal to every high claim, and responsive to the human needs of this suffering Earth. Set a seal upon their lips that no thoughtless words shall sting or harm another. Strengthen them to meet this day’s waiting tasks with kindness and good will. Lord, give them strength of will, steadiness of purpose, and power to do good for the glory of Your Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable Mark L. Pryor 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 from the President pro tempore (Mr. Byrd).

The legislative clerk read the following letter:

> U.S. SENATE.
> President pro tempore.
> To the Senate:
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Mark L. Pryor, a Senator from the State of Arkansas, to perform the duties of the Chair.

Robert C. Byrd, President pro tempore.

Mr. Pryor thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**MEASURES PLACED ON THE CALENDAR**—S. 2633, S. 2634, S. 2636

Mr. Reid. Mr. President, there are three bills at the desk due for their second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title for the second 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.
> A bill (S. 2636) to provide needed housing reform.

Mr. Reid. Mr. President, I object to any further proceedings with respect to these bills, and I object en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

**SCHEDULE**

Mr. Reid. Mr. President, following my remarks and any the Republican leader wishes to make, we will resume consideration of the Indian Health Care Improvement Act. Senator Dorgan and Senator Murkowski are here. I believe this is our fourth day. Someone told me yesterday: But they were short days. The only reason they were short is because nobody has been here to offer any amendments. They would have been longer days, as I indicated last night.

I hope people will come and offer amendments. That is what we need to do. We need to move through this legislation. We have been told that Members who have amendments are waiting to offer them. I hope they will do that. We are going to finish the bill this week. We have a break coming next week. We really would like to get the work done. We could finish it today. I hope we can do so.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. Reid. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

**RESERVATION OF LEADER TIME**

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

**INDIAN HEALTH CARE IMPROVEMENT ACT AMENDMENTS OF 2007**

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1200, which the clerk will report.

The 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. 3886 (to amendment No. 3899), to modify a section relating to limitation on use of funds appropriated to the Service.

● This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Brown amendment No. 3893 (to amendment No. 3899), to acknowledge a long history of official deprivations and ill-conceived policies by the Federal Government regarding the 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 amendment.

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.

Gregg amendment No. 4022 (to amendment No. 3890), to provide for the Low-Income Home Energy Assistance Program in a fiscally responsible manner.

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.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

1-YEAR BUDGET PROCESS

Mr. SESSIONS. Mr. President, the congressional budget process, which we will begin again soon, is clearly broken. Since fiscal year 1980, only three times has Congress enacted all its appropriations bills by the start of the next fiscal year, which is October 1. During those times, 138 continuing resolutions have been needed to keep the Government running. In other words, if Congress does not appropriate money, it cannot be spent by the executive branch. It cannot be spent by the Government, period. So when we do not pass an appropriations bill to fund the Department of Defense or the Department of Housing and Urban Development, they cannot operate. They shut down. As a result, we come through with continuing resolutions to allow funds to continue at the previous year’s level while we debate and argue over the appropriate appropriations for that next fiscal year.

Repeatedly, we have been late. On average, there have been 4.8 continuing resolutions each fiscal year. On average, we have been almost 3 months late passing the appropriations bills, putting us well into the next fiscal year. For fiscal year 1996, 10 years ago, the final appropriations bill was signed almost 7 months late.

Over the past 13 budget cycles, Congress has passed 10 omnibus spending bills. These omnibus bills occur when, instead of passing each of the 12 appropriations bills separately, as we are set up and plan to do, they cannot pass them individually. Because they are so far behind, all the bills are cobbled together in an omnibus bill and moved at one time, which creates so much momentum that it is difficult to stop a bill once it is started. It certainly almost is impossible to read and know what is in it. On average, these spending packages have combined 7.6 regular appropriations bills. So the average omnibus bill is 7.6 of the 12 appropriations bills piled all together and basically rammed through the Senate and the House.

Last year, Congress enacted a $555 billion, 1,600-page omnibus package that combined 11 of the 12 required appropriations bills in 1. It was passed in late December, not long before Christmas, when people were anxious to go home. I am sure that is part of the plan. It all moved forward. Mr. President, 1,600 pages—it is unlikely many members could have read it. Basically, what they would do is send out their staff to determine if something they especially cared about was in it, and if what they wanted was in it, they would vote for the bill. That is the way things have gone around here. It is not a good situation. We had a good chance to pass the last December was the largest omnibus bill since 1988, when we enacted a $598 billion package that included all 13 bills.

Finally, this broken budget process has resulted in almost $1.7 trillion in deficit spending over the past 13 budget cycles.

There is no single cure, I will certainly admit, for all of what ails Congress and the way Congress spends the people’s money. However, a biennial, 2-year budget, 2-year appropriations would be, I am convinced and have been for quite a number of years, a tremendous step in the right direction. It is a good process. I wish we could talk about biennial budgeting a bit.

Biennial budgeting has been supported by the last four Presidents. It is a very simple concept. Under current budget law, Congress must pass the twelve 1-year appropriations bills each year to fund the Federal Government. With biennial budgeting, twelve 2-year appropriations bills would be enacted instead of 1-year bills. A change from a 1-year to 2-year budget cycle would have many great benefits.

I emphasize, this is not a partisan matter. This is a matter that I believe will strengthen the Congress and help us increase some of those very poor ratings we have with the American people.

A change from a 1-year to 2-year budget would deal with this problem that is a reality for us: that under the current system, the budget process, the appropriations process is never-ending. We should have completed this process last year before October 1, the start of the new fiscal year. The appropriations funding for the next fiscal year. We did not get that done until late December.

Now we are going to be starting soon trying another series of 12 appropriations bills to try to pass them before October 1.

Last year, it took 325 days from the release of the President’s budget until the appropriations process was completed on December 26. Now, only 40 days later, the process has begun again with the submission of the President’s new budget on February 5.

By limiting budget decisions to every other year, Congress is considering more time to spend passing critical legislation. Whether it be immigration reform, which we need to do, tax cuts, or legislation addressing our Nation’s housing problems, Congress could focus more on important legislative matters rather than just always every year backed up, jammed up with appropriations debates, arguing over pork and earmarks, among others.

Some will argue that 2-year budgeting would increase the need for emergency spending. They say we will have more supplemental spending. As such, we will not save a lot of time, and it still will not be a healthy process.

I ask this: How much more supplemental emergency spending can Congress do?

Over the last 10 budget cycles, even though we are passing regular appropriations bills every single year, Congress has enacted at least one supplemental emergency appropriations package. These packages have approved almost $894 billion in additional emergency spending. That is a shocking number.

But I will add this. When someone brings up an emergency spending bill—and there may be a number of times that it is quite legitimate—and asks that it be brought up and spent above the budget—that is what emergency spending does; we approve a budget, and then we add to the budget—we pass an emergency bill and it busts the budget. It goes above the budget. We say it is emergency spending that is so important that we don’t adhere to the budget and we are going to spend the money anyway. Of course, all of that goes straight to the debt, since we are already in deficit. Any additional spending over our budget is even more monies that go to our debt. But it takes 60 votes, at least. A person is able to come to the floor and object and create a discretion and demand a supermajority of 60 votes to have emergency spending. I think that in itself should deter some frivolous use of emergency spending, I really do.

I think we would be best off, even though I am sure we will have emergency spending packages with a 2-year budget, because we certainly have had them even with a 1-year budget cycle. I do think the taxpayers won’t be defenseless when those emergency bills come again.

Another big thing. All of us in the Congress, and I think all of us in the Senate, know in our hearts, know in
the deepest part of our being, that we are not doing a good job of oversight over this massive Government we are supposed to be managing. We don’t do a good job of oversight. One reason we don’t do oversight in an effective way is because we have to pass the funding bills. We are always arguing over how much should be spent on this or that program, how much should be spent on this or that project, and we spend our time doing that and not going out and looking at agencies and departments from a fresh view.

The Office of Management and Budget has made a long list of agencies that are poorly performing, that they question the legitimacy of. If we would focus on that effectively, I think we could do a much better job.

Also, I would suggest that with a 2-year budget, Federal agencies could focus more on their core missions. The Department of Defense, for example, spends untold hours preparing their budget every year, and it creates a lot of uncertainty because they are never sure whether this or that program will be continued. It causes quite a bit of stress and uncertainty. Agencies are spending thousands of hours on their annual budget process. Constituent groups and organizations could save a lot of money. They come up every year. We see them. They are some of the best people we know, and those people come up every year. They would come up, but every 2 years with biennial budgeting. Save some money for those agencies and departments that are worried about their budgets and maybe even save our constituents a little money on air travel.

Finally, a 2-year budget would create a more stable system of government because Congress has proven it cannot complete its budget process each year. It can’t do it. Funding delays would surely occur less often and less frequently with a 2-year budget, and the Federal agencies could function more effectively.

Process often does drive policy. The current budget process, the current appropriations process, we know, is not working. It is an embarrassment to us. Itembarrasses us every year, not just because the Democrats failed last year in their first year in the majority, but because Republicans failed too. And I am not sure whether it helps the majority or the minority party, I am not sure, but it will help the taxpayers. It is a good government reform.

It is not a partisan thing we are talking about. We are talking about a historic change in the way we do business that will help every agency and department of government because they will have at least 2 years of a solid budget from which to work. They will only have to put together their proposals every 2 years instead of every year. Congress will be able to deal with it one time, and then during the off year, we would be able to examine how we are spending money and make new proposals. And we know about the savings system of America, the health care system of America, the defense of America. I thank the Chair, and I note my colleague Senator ALEXANDER from Tennessee is here. I know he strongly shares this view. We have both worked with and met with Senator PETE DOMENICI, long-time former chairman of the Budget Committee and a member of the Appropriations Committee in the Senate, we have a very good relationship on these things. Frankly, I think it would be a nice tribute to Senator DOMENICI if, when he completes his tenure, distinguished as it has been in the Senate, we were to pass a 2-year budget.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. ALEXANDER. Mr. President, I greatly appreciate the courtesy of the Senator from North Dakota. He himself is an expert on appropriations and budget matters, both at the Federal level and at the State level. It would be my hope that as this subject I am about to talk about moves ahead, it would be something that would interest him as well.

Mr. DORGAN. Mr. President, I hope to take 5 minutes on the 2-year budget and how I hope, and many of us hope, that it will improve the way the Democrats and Republicans can agree on to change the way Washington works.

I will be glad to defer that, knowing the importance of moving ahead on Indian affairs.

Mr. DORGAN. If the statement is 5 minutes, I would not object to that, but I do want, at the end of that 5 minutes, to begin the bill. Again, Senator COBURN has arrived, and we have a lot of work to do. But I know Senator ALEXANDER has worked on budget issues for a long while, so I ask unanimous consent that Senator ALEXANDER be recognized for 5 minutes, and after that I will make some comments, Senator MURKOWSKI will then make some comments, and we begin a discussion with Senator COBURN.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COBURN. The Senator from Tennessee is recognized for 5 minutes.

Mr. ALEXANDER. Mr. President, I greatly appreciate the courtesy of the Senator from North Dakota. He himself is an expert on appropriations and budget matters, both at the Federal level and at the State level. It would be my hope that as this subject I am about to talk about moves ahead, it would be something that would interest him as well.

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I will be glad to defer that, knowing the importance of moving ahead on Indian affairs.
not a Democrat idea, this is a good idea. It has the support of Senator Feingold from the other side, and it has the support of the independent Senator, Senator Lieberman, so I would hope it has strong support all across the aisle.

Let me give an example or two of why it would make a difference. When we debate the higher education bill in a few weeks, I am going to ask permission to bring on the floor several boxes containing the rules and regulations that 6,000 higher education institutions in this country must wade through in order to accept students who receive a Federal grant or a loan. The stack of boxes is about that high—that many rules and regulations. But this new higher education bill that we will likely pass doubles the number of rules and regulations. Maybe some of them are needed, but what we haven’t had time to do is go through that stack of boxes as tall as I am to see if we can cut that stack down in half. We don’t have time to do that.

If we spent every other year drawing up a budget and our appropriations bills, and then, in the odd year, going back through rules, laws, and regulations, I would have a strong force for fewer rules, fewer regulations, and fewer laws. And also more effective, if not less, spending.

A second example. The State of Missouri, under the Department of Transportation that with the Federal money we already give the State of Missouri, they can repair every broken bridge they have in 5 years. They can do this as long as we let them do it first under their rules and regulations, without waiting for our appropriations process. In other words, if we let them build the bridges and then we buy the bridges to reimburse them, according to specifications, we don’t have to spend any more money to fix all the broken bridges in Missouri.

What that should indicate to us is the gross inefficiency of our appropriations and budget processes when it comes to building roads, when it comes to making contracts, when it comes to waging war. Our process wastes billions to making contracts, when it comes to building roads, when it comes to the gross inefficiency of our appropriations process. In other words, if we let them build the bridges and then we buy the bridges to reimburse them, according to specifications, we don’t have to spend any more money to fix all the broken bridges in Missouri.

So my hope is, perhaps we will now succeed. Senator Murkowski and the Indian Affairs Committee have worked on a piece of legislation that is not giant reform, it is not a huge step forward, but it is a step forward in the right direction.

Amendments and amendments. We will continue our conversation later in the morning.

Mr. Coburn. Mr. President, first of all, let me thank the chairman and ranking member, Senator Murkowski, for their work on this effort.

Oklahoma is the No. 1 State in the country as far as tribal members. Indian health care is an issue on which we are struggling, and there are all sorts of components for it. I am going to ask unanimous consent now to bring up my amendments numbered 4024 through 4027 as if brought up individually and ask that each be set aside so they will be considered pending. I ask unanimous consent that be carried out.

Regrettably, it has not been adequately delivered. So I am going to talk a little bit later. I know my colleague, Senator Coburn, is on the Senate floor, and he has amendments. I am going to give him an opportunity to speak. I am as well, but I will have an opportunity later this morning to describe in much greater detail why there is an urgency and why this system must be improved. We cannot wait any longer.

Mr. President, we are going to turn now to the Indian Health Care Improvement Act, and I am going to be very brief, and I hope my colleague will as well because we will have a chance later to speak at greater length.

Mr. Dorgan. Mr. President, we are going to adopt a 2-year budget for spending. We are going to spend every other year revising and repealing laws and make the Government run efficiently. And we are going to get our appropriations and budgeting done on time. We can save tax payer dollars and so that States, cities, companies, and countries that deal with the United States of America can do so in a timely and efficient way.

I thank the President, and I thank again the Senator from North Dakota and Senator from Alaska for allowing me this time.

Mr. Dorgan. Mr. President, we are going to turn now to the Indian Health Care Improvement Act, and I am going to be very brief, and I hope my colleague will as well because we will have a chance later to speak at greater length.

Mr. Dorgan. Mr. President, first of all, let me thank the chairman and ranking member, Senator Coburn, for their work on this effort.

Mr. Dorgan. I have no objection to unanimous consent that be carried out.

Mr. President, we are going to turn now to the Indian Health Care Improvement Act, and I am going to go very briefly, and I hope my colleague will as well because we will have a chance later to speak at greater length.
asking for discussion and votes on a number of them.

Mr. COBURN. Far less than what I bring up.

Mr. DORGAN. I have no objection. The ACTING PRESIDENT pro tempore.

Without objection, it is so ordered.

The amendments are as follows:

**AMENDMENT NO. 4024 TO AMENDMENT NO. 3899**

(Purpose: To modify a provision relating to child sexual abuse and prevention treatment programs)

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 and 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.

**AMENDMENT NO. 4025 TO AMENDMENT NO. 3899**

(Purpose: To clarify the effect of a title)

At the appropriate place in title VII 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.

**AMENDMENT NO. 4026 TO AMENDMENT NO. 3899**

(Purpose: To modify a provision relating to authorization of racial preference in employment)

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.

**AMENDMENT NO. 4027 TO AMENDMENT NO. 3899**

(Purpose: To require a study of membership criteria for federally recognized Indian tribes)

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 possess degrees of Indian blood of—

"(A) 1/4;

"(B) 3/4; and

"(C) 100%; 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.

**AMENDMENT NO. 4028 TO AMENDMENT NO. 3899**

(Purpose: To require tribals to maintain a report to the Service on the results of, and an assessment of—

"(1) the average wait time of patients in the Service; and

"(2) the extent of rationing of health care services in the Service; and

"(3) the average per capita health care spending on Indians eligible for health care services through the Service; and

"(4) the overall health outcomes in Indians, as compared to the overall health outcomes of other residents of the United States;

"(5) the average per capita health care spending by section 101), add the following:

"effective and 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.

**AMENDMENT NO. 4029 TO AMENDMENT NO. 3899**

(Purpose: To protect rape and sexual assault victims from HIV/AIDS and other sexually transmitted diseases)

At the appropriate place in the Indian Health Care Improvement Act (as amended by section 101), insert the following:

"SEC. 8. PROHIBITION ON RACIAL PREFERENCE.

"Notwithstanding any other provision of this Act involving a sexual assault, rape, or other incident of sexual violence against an Indian—

"(1) 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;

"(2) 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

"(3) such follow-up tests for HIV and other sexually transmitted diseases are provided as medically appropriate, with the test results made available in accordance with subparagraph (B); and

"(4) the Health Resources and Services Administration shall require that each member of the Indian Tribe or group possess a degree of Indian blood.

**AMENDMENT NO. 4030 TO AMENDMENT NO. 3899**

(Purpose: To clarify the effect of a title)

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 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;"
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.—The Secretary 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) REPORTS TO CONGRESS.—An eligible participant may voluntarily agree 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 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.

"(1) DEMONSTRATION PERIOD; REPORTS TO CONGRESS.—

"(A) INITIAL PERIOD.—(1) In general.—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 and services from all Indian Health Programs for the most recent fiscal year for which data is available.

"(2) Special Rules.—

"(1) In general.—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 health care items and services to eligible participants if the project had not been implemented.

"(e) DEMONSTRATION PERIOD; REPORTS TO CONGRESS.—

"(A) Initial Period.—In this section, the term ‘eligible participant’ means an Indian who—

"(1) is a member of a federally-recognized Indian Tribe;

"(2) 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 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 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 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 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 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.

"(e) IMPLEMENTATION; REPORTS TO CONGRESS.—

"(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 additional periods as the Secretary determines appropriate, unless the Secretary determines that the program is unsuccessful in achieving the purposes described in paragraph (1), taking into account cost-effectiveness, quality of care, and such other criteria as the Secretary may specify.

"(2) 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 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 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 through any Indian Health Program or any other federally-funded program for any period in which the Indian is enrolled in the project.

"(2) Special Rules.—

"(1) In general.—In this section, the term ‘eligible participant’ means an Indian who—

"(1) is a member of a federally-recognized Indian Tribe;

"(2) 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 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.

"(f) QUALIFIED HEALTH INSURANCE.—

"(1) In general.—In this section, the term ‘qualified health insurance’ means insurance which would substitute 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) a portion 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).

"(3) EFFECTIVE DATE.—

"(A) In general.—This section takes effect on the date on which the Secretary makes the certification described in paragraph (2).

"(B) Certification.—The certification referred to in paragraph (1) is a certification by the Secretary to Congress that—

"(1) the program provides service availability, rationing, and wait times for existing health services within the Service area.
Congressional Record — Senate

February 14, 2008

Rationing plagues Indian Health Services. It is rationed care. That is

that have to happen for us to live up to the commitment that we have made to Native Americans.

The myriad of problems facing Indian health care in Indian country are many of the same issues that are facing health care delivered throughout rural America. They are compounded, however, in this system by a system that refuses to recognize its own role in holding back health care delivery for Native Americans.

In designing health care reforms, markets work when they are allowed to. They lower the price of all goods and services, and they attract much needed outside investment. Many tribes in Oklahoma are at the forefront of new and innovative health care delivery systems. They are poised to become a model for delivery throughout the system.

Congress must ensure, however, that their efforts are not discouraged or stopped altogether by the current system. This legislation does not provide any good reason that forward-thinking tribal governments should not be prevented from developing market-driven health care centers of excellence that will attract researchers, physicians, and patients. Furthermore, there is no good reason that forward-thinking tribal governments should not be prevented from developing market-driven health care centers of excellence that will attract researchers, physicians, and patients.

We do not do that in this bill.

Furthermore, this legislation fails to focus on empowering individual tribal members. Individual patients tend to receive better care and more effective care when they are empowered to make their own health care decisions. Congress should explore ways to accomplish this objective and give tribal citizens a reason to invest in their own health.

Health care status of tribal members ranks below the general population. The Federal Government has been providing health care to tribal members for 175 years. The first time that we were able to fund a smallpox vaccine was in 1807. That is when we started Indian health care. And what we are doing today in comparison to what our treaty obligations are—[in] comparison, it is the same thing we are doing to the veterans when we tell the veterans: We are going to give you health care and do not give it. It is the same thing we tell schools: We are going to have an IDEA program and then not fund it. It is morally bankrupt legislation that does not meet the commitments that we say we have.

The Snyder Act of 1921 provided a broad and permanent authorization for Federal Indian programs, including—and this is an important thing—the conservation of health; in other words, the prevention of disease, which Chuck Grim was just starting to get into, but we do not have the funding to do it the way we need to do it. We know the commitment that we have had to happen in Native American care to where we go to prevention instead of treatment of disease. It is not in here. We are not doing it.

Last year, we spent $3.18 billion doing this. If we just funded it at the level we absolutely failed. Only 21 percent of Native Americans receive prenatal care. That means one out of four Native American moms who get pregnant do not have any prenatal care. We ought to be ashamed. We have failed. Have failed.

Eighteen percent of Native Americans who are pregnant smoke. That is twice the rate of others. Where is our prevention? Where is our education? Where is the priority on what we can do something about.

American Indians suffer from a great death rate from chronic liver disease and cirrhosis. It is 22.7 per 100,000. That is twice what it is for Whites and three times what it is for African Americans. It is 22.7 per 100,000. That is twice what it is for African Americans and three times what it is for Whites and three times what it is for African Americans. It is twice what it is for Whites and three times what it is for African Americans. It is twice what it is for Whites and three times what it is for African Americans.

They are six times more likely to die from tuberculosis, a preventable disease; three times more likely to die from diabetes, a controllable and now preventable disease, it is a preventable disease; 2.5 times more likely to die from an accident.

Now, how can we look those statistics in the face and say we have met our treaty obligations? We have failed. We have absolutely failed. Only 21 percent of Native Americans receive prenatal care. That means one out of four Native American moms who get pregnant do not have any prenatal care. We ought to be ashamed. We have failed. Have failed.

A voice...
have the resources and there is no accessing because there is a distance to travel, we are going to see the same problem. Nobody is going to go until they absolutely have to. So we lose the benefit of prevention.

Most of the facilities in this GAO report did not have the staff or equipment to offer services onsite so they resorted to contract care. The contract care budget, of course, is small. So what happens? We ration contract care because eligibility of enrollment isn't a political statement; it is a reality. We are not doing what we are committed to do. Now we are going to bring a bill to the floor that doesn't meet that commitment. We are still not going to meet the commitment. We will improve it, but we need to overhaul it. We need a top-down, complete change in how we approach our commitment to Native Americans as far as health care. If we did that, we could offer care for a whole lot less money.

We have a bureaucracy that is stumbling all over itself. We are spending money. I will get to the point on the numbers in a minute. If we look at facilities that the IHS that don't deliver any care. Gaps in services result in diagnoses and treatment delays which, of course, make the health of the patient worse and raise the cost. IHS reports that their facilities are required to pay for all priority one services but admit that many of their facilities' available funds are expended before the end of the fiscal year and the payment isn't made.

I experienced that in my own hometown. Peoples Hospital to deliver a baby. Our hospital hasn't been paid on contract care for years. So those in the rest of the community are going to pay for it. The problem is, there is no continuity in care. Their facilities are required to pay for all priority one services but admit that many of their facilities' available funds are expended before the end of the fiscal year and the payment isn't made. I have spoken on the floor about this rationing. I have made some substantive changes in the managers' amendment on some of the priorities that I think we need to radically overhaul it. We need a top-down, complete change in how we approach our commitment to offer services onsite so they can keep current ones, doesn't help the Native American population. Let's keep the promises we have already made before we expand services and not throw money at it. It sounds good. The tribes do not want to hear what we are going to do. We are going to add these four services, but we are not funding the services we are supplying now. Why would we add services knowing that? If we do it, we are going to do it on the cheap. But it feels good because they think we are doing something, when, in fact, we are not fixing the problems. It is kind of like taking a loan out on a brand new car when you can't buy food. It is the same thing. That is what we are doing with these additional services.

The majority of the bill is more of the same. I have expressed to the chairman that I think we need to radically overhaul the care of Native Americans. I will have a lot more to say. I do have some complications with other commitments in terms of markup. My staff e-mailed me a moment ago that you have made some substantive changes in the managers' amendment on some of the priority one services. We have added the one that is related to urban Indians. I will get with you and try to discuss that because it may affect some of my amendments. I wasn't aware of that until this morning.

I will have an amendment I will talk about now. I don't know that I will when I actually bring it back up. One way to meet our commitment to Native Americans is to give them options. According to CBO, the amendment I will be offering costs no money. It is a zero cost. But what it allows Native Americans is an insurance policy that says you can apply this and go to any Indian Health Service you want to or go to a clinic. The amendment I will be offering costs no money. It is a zero cost. But what it allows Native Americans is an insurance policy that says you can apply this and go to any Indian Health Service you want to or go to a clinic. We have made the commitment not to, but you get to choose. The same dollars get spent, but the services will be far superior.

There are two results. One, when we do that, it makes the Indian Health Service have to get more competitive. No. 2, and most profoundly, when we do that, we finally live up to our commitment that is embodied in every treaty
we have with Native Americans. Here is the real care. It is not rationed. It is not limited to contract funds. You don’t have to get in line to wait in line. You don’t have to get an appointment to get an appointment. You don’t have to travel 90 miles, if you don’t want to. You have the same medical care anywhere you are. We need a fundamental overhaul. And at no cost increase to the Indian Health Service, we can give Na-
tive Americans their own health insurance policy which gives them freedom, digni-
y and choice.

I know that has been controversial. It is not controversial with any Indian I have talked to. It is controversial with tribal leaders because it takes the dominance of tribal leaders away and gives freedom to members of the tribes to whom we have made a commitment for health care.

So as we offer that amendment and look at it, I know there will be objections, but it does—most importantly, with the same dollars—allow us to ful-
d fill the needs we are not fulfilling today. It allows a pregnant Native American to have 14 visits, allows her to have the same care anybody else would have. It allows us to get better outcomes. It allows us to get a patient into dialysis, which people sit there for 8 hours a day, chained to a machine to keep them alive, because we didn’t keep our com-
mmitment by having the dollars there to prevent the complications of diabetes?

This gives an equal ranking to a Na-
tive American as a Member of Con-
gress. You can have preventative care for your diabetes so you don’t end up on dialysis or with an amputation or losing your vision. It offers them hope. It offers them independence and integrity because we finally keep our commitments.

I wanted to talk about a couple other things and then I will close and come back. I appreciate the chairman giving me this time. As Congress discusses In-
dian health care over the next several days, America as a country should take note of what a single-payer system means in terms of the quality of care we can expect. America should not go the route of a single-payer system. That is not what we have in IHS. It is a single-
payer system. The promise sounds alluring, but the reality is inevitably negative. It is negative in terms of preven-
tion. It is negative in terms of care. It is negative in terms of complica-
tions. It is negative in terms of the paradigm of prevention.

Second, fixing the system for our Na-
tive Americans demands more than adding more new programs and serv-
ces. We need a fundamental overhaul of the system. The Members of feder-
ally recognized tribes whom we have a trust obligation to provide health care for deserve better than is in this bill. Actually, I believe Chairman DORGAN believes that too. He believes this is a stepped process. They deserve a choice. They deserve the security to know they can get health care when they need it. They deserve quality. They deserve the same care. Americans demands more than that means radical change. When you have a system, you do not treat it lightly. You give it to someone who ends up with coronary artery dis-
ease at 40 years of age, because their diabetes and their cholesterol and their hypertension have not been managed, we think we can wait.

The body will probably think we can wait. But I think we have a moral obli-
gation to meet our commitments, and that means radical change. When you have a system, you do not treat it lightly. You give it to someone who ends up with coronary artery dis-
ease at 40 years of age, because their diabetes and their cholesterol and their
Mr. DORGAN. Mr. President, I certainly will do that.

It is interesting we are spending $16 billion a month, $4 billion a week to replenish the accounts for the war in Iraq and Afghanistan and other issues. There are plenty of places for us to decide it is time to fix things here at home.

But I wish to talk about a couple of issues. First of all, there are waiting lines. There is rationing. The Senator from Oklahoma is absolutely correct. Dr. Grim, by the way, came to the Committee in support always of the President’s request, saying that was enough because he had a responsibility and a requirement to support the President’s budget. But get him off the dais at the hearing and ask him the question, and he would admit there is rationing. About 40 percent of the health care that is needed by American Indians is not available. That is health care rationing. That would be scandalous if it were happening in other parts of the country. It ought to be front page headline news. But you will not hear and you will not read many stories about it, regrettably.

But the fact is, we have a circumstance that brings tears to my eyes. I disagree with the Senator from Oklahoma that this is not a worthy bill. This is a step forward in the right direction. It is not the reform we need, but this is a two-step process. If you cannot get this kind of thing done for 10 years, how on Earth are you going to decide what you are doing with much bigger?

Now, we just faced a budget that came up last week that says not only do we not have enough money for Indian health care, let’s cut it. The President says, let’s cut what we do have, at a time when we have 40 percent rationing. So we are fighting a battle just to keep the money we have. We need much more if we are going to do what we promised we were going to do.

But let me show the Senator a photograph. Let me show him a photograph of Ta’shon Rain Littlelight because he says the system does not work. I showed the photograph before because her family has given me permission. This beautiful young 5-year-old girl is dead. She is dead, in my judgment, because of a system that does not work.

They took her again and again and again and again to the clinic. It was on the Crow Reservation in Montana, where I had a hearing and her grandmother took this photograph. She told about little Ta’shon Rain Littlelight. You can see she loved to dance.

Ta’shon Rain Littlelight got sick, and they took her to the health clinic. They treated her for depression. Again and again, they treated her for depression. Even her grandparents said: Well, the way her fingers look, with the swelling of the fingertips, and so on, that is what is wrong.

Well, one day, of course, they had to fly her to Billings, MT, and then immediately fly her to Denver, CO, where they discovered she had terminal cancer and abdomen to live.

She asked if she could go see Cinderella’s Castle, so Make-A-Wish gave her the opportunity, with her mother, to go to Orlando, FL, to see Cinderella’s Castle. This little girl with terminal cancer, the night before she was to see Cinderella’s Castle, so Make-A-Wish gave her the opportunity, with her mother, to go to Orlando, FL, to see Cinderella’s Castle. This little girl with terminal cancer, the night before she was to see Cinderella’s Castle, so Make-A-Wish gave her the opportunity, with her mother, to go to Orlando, FL, to see Cinderella’s Castle. This little girl with terminal cancer, the night before she was to see Cinderella’s Castle, so Make-A-Wish gave her the opportunity, with her mother, to go to Orlando, FL, to see Cinderella’s Castle. This little girl with terminal cancer, the night before she was to see Cinderella’s Castle, so Make-A-Wish gave her the opportunity, with her mother, to go to Orlando, FL, to see Cinderella’s Castle. This little girl with terminal cancer, the night before she was to see Cinderella’s Castle, so Make-A-Wish gave her the opportunity, with her mother, to go to Orlando, FL, to see Cinderella’s Castle. This little girl with terminal cancer, the night before she was to see Cinderella’s Castle, so Make-A-Wish gave her the opportunity, with her mother, to go to Orlando, FL, to see Cinderella’s Castle. This little girl with terminal cancer, the night before she was to see Cinderella’s Castle, so Make-A-Wish gave her the opportunity, with her mother, to go to Orlando, FL, to see Cinderella’s Castle. This little girl with terminal cancer, the night before she was to see Cinderella’s Castle, so Make-A-Wish gave her the opportunity, with her mother, to go to Orlando, FL, to see Cinderella’s Castle. This little girl with terminal cancer, the night before she was to see Cinderella’s Castle, so Make-A-Wish gave her the opportunity, with her mother, to go to Orlando, FL, to see Cinderella’s Castle. This little girl with terminal cancer, the night before she was to see Cinderella’s Castle, so Make-A-Wish gave her the opportunity, with her mother, to go to Orlando, FL, to see Cinderella’s Castle. This little girl with terminal cancer, the night before she was to see Cinderella’s Castle, so Make-A-Wish gave her the opportunity, with her mother, to go to Orlando, FL, to see Cinderella’s Castle.

I have shown a picture of Avis Littlewind. She was 14 years of age, lying in a fetal position in a bed for 40 days and then finally took her own life. The Indian Health Service did not have mental health treatment available on that reservation—no mental health treatment available to try to help that little girl who felt hopeless and helpless. This is a photograph by the way, of Avis Littlewind on the Spirit Lake Nation Reservation. Avis was 14, and she took her life. Her sister took her life. Avis took her life.

This is a photograph of Ardel Hale Baker. Ardel Hale Baker was having a heart attack, diagnosed as having a heart attack on an Indian reservation. They wanted to send her to a hospital an hour and a half away. She did not want to go in the ambulance because she knew if she paid somehow, she would have to pay it, and she did not have any money. They put her in an ambulance anyway and took her to the hospital. As Ardel Hale Baker was being taken off the gurney in the emergency room in the hospital, to be put on a hospital gurney, here is what was taped to her thigh—a piece of paper taped to the thigh of this Indian woman; and it was to the hospital from the Department of Health and Human Services—it was saying, by the way. "If you admit this woman, understand there is no money in contract health care to pay for her," warning the hospital: "Admit this woman and it is very likely you will not be paid." This woman is having a heart attack, and shows up with a piece of paper taped to her leg, saying: "There is no money for you to be paid, if you admit this woman to your hospital," or the woman who goes to the Indian Health Service with a knee that is so painful she cannot walk. It is bone on bone; an unbelievable difficulty because the way her fingers look, with the swelling of the fingertips, and so on, that is what is wrong. If you admit this woman to your hospital, they do not have any money for you to be paid.

My colleague from Oklahoma says: "Wrap it in cabbage leaves for 4 days." That is Indian health care. That is unbelievable, just unbelievable to me.

My colleague from Oklahoma says: "Well, he does not support this bill because it is not bold. I have been on the floor of the Senate. I have offered amendments to add $1 billion to Indian health care, and it gets defeated. I have seen the budget that came last week from this administration that says they want less money for Indian health care.

Let me put up something Chief Joseph said years and years ago. We took all the Indian land; took all those millions and millions of acres—hundreds of millions of acres—from the Indians, but we said to them: Trust us. We will make you a promise. We will sign treaties. We will tell you that we will provide for your health care. We believe we have a trust responsibility. You can trust us.

Well, regrettably, that responsibility has not been met. Those promises have not been kept. Here is Chief Joseph. He said:

Good words don’t last long unless they amount to something. Words don’t pay for people to put me back my children. Good words will not give my people good health and stop them from dying.

I care a lot about this issue. In my State, we have four Indian reservations. I have spent a lot of time with them. The fact is, we have people living in the shadows. We have people living in abject, desperate poverty. I sat with a young girl once at a table with her grandfather. This was a young girl who was put in a foster home at age 3. The woman who put her in a foster home was working 150 cases—150 cases. She did not have time to check out the home, so she put a 3-year-old girl in a foster home. And on a Saturday night, in a drunken party brawl, a young 3-year-old girl got her arm broken, her nose broken, and her hair pulled out by the roots. That young girl will live forever with those scars.

One hundred and fifty cases a social worker is dealing with? There is such unbelievable difficulty because the resources do not exist. We have people living in Third World conditions.

We had a tribal leader, a chairman of a tribe, say: ‘‘My two daughters live in used trailer houses that we moved from Minnesota to the reservation not too long ago. South Dakota. They don’t have indoor plumbing. They have an outdoor rest room, outdoor toilet. One of them has a wood stove in the living room of the trailer house ventured out through the window.’’ I have seen all of these things. I have experienced all of this. My colleague has seen the same in Alaska. We have people living in Third World conditions in this country. There is a full-scale, bona fide crisis in health care, housing, education, welfare—just unbelievable the question of health care. We have a special responsibility, unlike other responsibilities, because this country has
promised. We have signed treaties. The Supreme Court says we have a trust responsibility. We have not kept our promise, and we have not met our responsibility. I am just flat tired of it.

My colleague says: Let’s be bold. Nobody was old enough than I want to be, but we haven’t been able to get a bill through here in 10 years, for God’s sake. If you can’t pass a bill in a decade, how on Earth are you going to be bold? Let’s at least take a step in the right direction. And going forward, that is all the way with step 2 of the Indian Affairs Committee, and that is bold, dramatic reform, because this system is not nearly as good as it can be.

He talks about: Why would you add new services? Well, services dealing with diabetes, with cancer screening, with mental health—let’s add those services because they are needed, and then let’s decide, when the appropriations bill comes around, to add the funding. My colleague knows this is an authorizing bill, not an appropriations bill. We will have a chance to be bold. Let’s see who is going to be bold. Let’s add the funding to keep our promises, for a change.

My colleague talked about Dr. Grim. I like Dr. Grim. He retired—resigned, I should say—from the Indian Health Service. Dr. Grim came every year, supporting the President’s budget. He knew it was not adequate. We know we are rationing health care. The fact is, we all know it. We need to stop it. Are we rationing health care with incarcerated prisoners in Federal prisons? No, we are not, because we have a responsibility for them. We arrest them, we convict them, we send them to prison, and then it is our responsibility to provide for their health care in Federal prisons, and we do it. We spend twice as much per person for them as we do for American Indians. Yet we have the same responsibility for American Indians because we made the promise, signed the treaties, and told them we would provide for these needs. What gives us the right to continue to break our promises? We have done it for decades and decades over almost 200 years. What gives us the right to continue to do that in the face of little children who are dying and in the face of elders who can’t get health care? What gives us that right?

I say to my colleague, if you want to be bold, to have a chance to be bold together, because this country ought to stare truth in the face and look at what is happening on Indian reservations.

The other night, I was on an Indian reservation, having a listening session with Indians. There were two sisters sitting in the front row. One sister stood up to speak, and the other sister sobbed uncontrollably—cried and sobbed. It was an unbelievable story about the sister who desperately needed chemotherapy. She should have gotten it, couldn’t find it. She finally had her heart surgery, and of course it was charged back to her, because there was no contract health care. It has completely ruined her credit rating because she doesn’t have anything to pay for it, and the Indian Health Service did not serve her needs. She was also treated for depression. She had a heart valve problem that needed surgery, and she was treated for depression. She finally found a way to get the surgery. It could not be paid for by Indian contract health because they were out of funds. “Don’t get sick after June.” We had one reservation tell us, don’t get sick after June, because we didn’t have the money. This poor woman sat there in the chair sobbing as her sister recounted the details of her desperate attempt to deal with a health care problem that was very acute.

So, yes, I am a little bit emotional about these issues. When we people say, well, let’s do much more, I say: Absolutely. Let’s do much more than we are now doing. Let’s do that in appropriations. That is an awfully good start.

This is an authorization bill which does a lot more than the current Indian Health Care Improvement Act. It does a lot more in areas we know are in urgent need.

We have seen suicide clusters on Indian reservations. In the northern Great Plains, there is a 10 times greater rate of suicide among teenagers—not double, triple, or quadruple, but 10 times the rate of suicide. I went and sat and talked with kids on that reservation, the one where we had a cluster recently. It was just me with some high school kids, talking about what is going on, what is their life like. It is unbelievable.

We need to address these things. That is what we try to do in this Indian Health Care Improvement Act. It is not perfect, but it is certainly a step in the right direction.

I have other things to say, and my colleague wishes to go on. I wish to comment, in, as well. My hope will be at the end of the day, that we will be able to get the amendments up and get them voted on. Some of the amendments my colleague described, I likely will support, because I think we can improve this piece of legislation. I think at the end of the day, all of us will hope we will have done something we are proud of, to say to those who don’t now have adequate health care or whom we promised health care that we have made a step forward in trying to meet those needs.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, let me make just a few comments to the Senator from North Dakota.

First of all, I commend him for his work on this bill, as well as the Senator from Alaska, who has worked very hard on this bill, in a position where it could be brought to the floor and considered by this body—in particular, in helping to work out some very contentious issues that have bedeviled people on both sides of the aisle for quite a long time. In the best spirit of working to get legislation accomplished in a bipartisan way, staffs from the committee itself and the two Senators I mentioned, many staff and others, rolled up their sleeves, sat down, and have worked out very satisfactory resolutions to three big problems that previously existed. As far as I know now, those issues are totally resolved, language is put in, and that is what is represented in the bill, and it represents a real achievement to try to move this bill forward. I appreciate their cooperation, and I commend the others who have worked on it as well.

I must say also that I am looking forward to working with the Senator from North Dakota when he comes to the State of Arizona to address another issue dealing with Indian Country; that is, the deplorable state of law enforcement, of facilities to deal with people who are apprehended on Indian reservations, and the staff to deal with those.

Crime is a huge problem, as is health care, on our Indian reservations throughout the country. It is neglected. It needs more attention. I applaud the Senator from Alaska and the Senator from North Dakota for their attention to this as well, and I look forward to working with them.

Finally, I would note just on a personal basis that a very good thing happened to me through the Indian Health Service, and I had the fortune of being assigned to Tucson, AZ, to work on what was then the Papago Indian Reservation, now the Tohono O’odham. As a result, his daughter—now my wife—attended the University of Arizona, where we met, and the rest is history, as they say. So I have had some knowledge and information about this for a long time.

I wish to make the point that there are—and I know the Senator from North Dakota and the Senator from Alaska agree with this—thousands of dedicated personnel who are serving people throughout all of our Indian reservations throughout the country. It is not perfect, but the professionals are very professional. They are very good. They are dedicated and really work hard on behalf of our Native American citizens. It is not enough to give them the resources they need as well as to help those whom they serve to get this legislation adopted and move the process forward.

So I compliment those who have been working on this important legislation and hope that in the remainder of this day—and I will make this point to my colleagues—that if you have amendments you think would improve this
Senator BARRASSO yesterday brought forward an amendment that asks for a GAO study to look to the efficiency. There are some other amendments that have been introduced that also task us with evaluating to make sure we are doing right by the programs that are put in place. How the funding is directed to them, and are we doing what we need to be doing. I think it is fair to say that we recognize it is not sufficient, it is not enough. We do need to be doing more, and certainly, as the Chairman of the Senate Committee has indicated that we have to put our money where our mouth is. We have to put our money toward those programs. We have to make sure we put the resources there to make the difference.

The Senator from Oklahoma spoke about the rationed care. It is not rationed care because we just don’t want to give it; it is rationed care because of the lack of resources, and that is very real and something that must be dealt with, and it must be dealt with in a very strong way.

The Senator from Oklahoma really spoke as well to the issue of prevention, and it was his opinion in his comments that the Indian Health Care Improvement Act doesn’t go far enough, that we need to be doing more in the area of prevention. He speaks to a part of me that I feel very strongly about. When we talk about health care in this country, what is in our country or in the United States as a whole, it has been referred to as not a system of health care, it is a system of sick care. We take care of you after you are sick. It is no different within the Indian health system. That does have to change. We must focus on the prevention. We know this. We are seeing this. We are working here in the Congress to change those policies to help put greater focus on prevention because we know for a fact that we can reduce costs if we focus on prevention.

Now, the Senator from Oklahoma has indicated that there isn’t enough here in the Indian Health Care Improvement Act in the area of prevention. I want to mention some of the initiatives that are included in the legislation that will make a difference, that will reduce health care costs, and that will provide for greater access. It is in the area of prevention.

Diabetes—we have all listened to the stats. They are absolutely unacceptable. We have to be doing more when it comes to diabetes prevention. We must be doing more to keep the elderly woman whom he was discussing off of the dialysis machine. We have to have the focus there. So included within the legislation is a focus on diabetes prevention.

We also look to the issue of domestic violence and sexual assault. Again, in these areas, our statistics with our American Indians and our Alaska Natives are absolutely unacceptable. Are we doing enough in the area? No, we need to do more.

It has been mentioned we have not reauthorized the Indian Health Care Improvement Act in some 10 years. Think about what has happened in this country in terms of health care and how we provide health care, how we focus on prevention in the last 10 years, the technologies that are made available to us, and also the areas of focus. Behavioral health is something about which in my State of Alaska we have been forced to be innovative. We have not have the past the psychiatrists and the psychologists who are available in all of our little communities. We have been forced to utilize a telehealth system, and we are absolutely making some remarkable progress. But through this Indian Health Care Improvement Act and what we are allowing for, we can allow for expanded opportunities to help, such as in the area of behavioral health.

I have a whole list of other programs that are also included—programs to control blood pressure, immunizations, youth suicide prevention, injury prevention, sudden infant death syndrome, tobacco control programs. These are all programs that go right to the heart of prevention. These are initiatives that will help us reduce our costs, that will help us keep people from becoming ill in the first place, keep people from losing a limb due to diabetes, keep young people from having to live a life afflicted with FAS or FASD.

There are initiatives contained within this legislation that need to be authorized, need to be updated and included to allow American Indians and Alaska Natives the same opportunity for preventive care that we find wherever we go in the country in a community hospital or in the clinic down the street. We have to make sure these programs are included.

Mr. President, I see Senator SMITH has arrived. In recognition of his time limitations today, so he can speak to an amendment he is proposing.

The PRESIDING OFFICER. (Mr. KOHL). The Chair recognizes Senator SMITH.

AMENDMENT NO. 3897 TO AMENDMENT NO. 3899

Mr. SMITH. Mr. President, I ask unanimous consent to call up for consideration amendment No. 3897.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. SMITH], for himself, Ms. CANTWELL, Mr. WYDEN, Mr. CRAPO, and Mrs. MURRAY, proposes an amendment numbered 3897 to amendment No. 3899.

Mr. SMITH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify a provision relating to development of innovative approaches)

Strike subsection (f) of section 301 of the Indian Health Care Improvement Act (as...
amended by section 101) and insert the following:

1) Development of Innovative Approaches.—The Secretary shall consult and cooperate with Tribes and Tribal Organizations, and confer with Urban Indian Organizations, in developing innovative approaches to address all or part of the total unmet need for construction of health facilities, that may include—

(1) the establishment of an area distribution fund in which a portion of health facility construction funding could be devoted to all Service Areas;

1) approaches provided for in other provisions of this title; and

(2) the approach, as the Secretary determines to be appropriate.

Mr. SMITH. Mr. President, I rise today to speak in favor of reauthorizing the Indian Health Care Improvement Act. I begin by thanking Chairman DOBZAN and Ranking Member MUKOWSKI for their leadership and for building on the momentum from the last Congress to reauthorize this very important and overdue reauthorization of this act.

Like most of my colleagues, I feel that passing this legislation is critical and it is about time. Since passage of the act in 1976, this legislation has provided the framework for carrying out responsibility to provide Native Americans with adequate health care. As we know, the act has not been updated in 16 years despite the growing needs among Native Americans. We cannot allow the health of this population to remain in jeopardy any longer.

Today, levels meet only 50 percent of the demand for services each year which requires the Indian Health Services tribal health facilities and urban Indian health care providers to ration care, resulting in tragic denials of needed services.

Speaking of the urban Indian health programs, reauthorization of the act will facilitate the modernization of the systems, such as prevention and behavioral health programs, for approximately 561 federally recognized tribes.

I sincerely hope we can pass this legislation and send it to the President for his signature.

Although this bill makes vast and necessary improvements upon existing law, it is not perfect. Currently, the vast majority of Federal funding for construction and modernization of tribal health care facilities goes to tribes in less than 10 States. Unfortunately, this bill maintains that inequity by favoring construction in those few States.

I offered today an amendment with Senator CANTWELL that will correct this problem and instill equity among all of the Native American tribes.

This concern is particularly relevant in my home State of Oregon which is 1 of over 40 States that have never—I repeat, never—received funding to build an Indian Health Service hospital.

Since the beginning of last year, I have been working with my colleagues to find a compromise to resolve this issue in a way that is not detrimental to any region of the country. I believe my amendment is just that: a good-faith compromise that will provide equity to the health facility system. It does so by providing the Indian Health Service the authority to use an area distribution fund which would allocate a portion of construction funds to all 12 Indian Health Service areas to improve, expand, or replace existing health care facilities.

This area distribution fund is not the idea of a single Senator or a single region of the country. It is the product of years of work and compromise by the Indian Health Service and tribes and after Congress recognized the need to create a more equitable facilities construction system.

The current system has been locked into place since 1991, and it will be over 20 or 30 years before funding will go to new projects. I do not see how that is fair and equitable if we have an obligation to all.

Sadly, this has resulted in wide disparities in the level of health services provided to tribal communities across the country. I believe this amendment represents a rational middle ground on this issue.

I also want to highlight that this compromise language is supported by regions of the country with nearly 400 of the 561 federally recognized tribes that reside in these States. Those folks are out if this does not pass.

I also want to add that it is not my intention to rob one IHS area to pay another. I believe that an area distribution fund works best when and if funding for the IHS is expanded. We simply have to enlarge this pie so we are not disadvantaging any tribes in the Southwest of our country, but we must not abandon, as we have been, the tribes all over the rest of the country. That is why I asked my colleagues to join me in sending a letter to the administration seeking a 15 percent increase in IHS funding for fiscal year 2009. I hope we are successful in this effort. But regardless, we must take steps through this amendment to establish a fairer system—just a fairer system—to distribute Federal funding.

If we are sincere about the title of the legislation at hand—of better meeting the needs of all Native American tribes—then my amendment should be adopted.

I ask my colleagues to support this amendment to ensure that all Native American Indians receive the health care they need, they deserve, and what we have promised.

I close with a quote from Morning Dove, the literary name of Christine Dquap, a Native American woman from the Pacific Northwest, now recognized as the first Native American woman to publish a novel. She wrote:

Everything on the earth has a purpose, every disease an herb to cure it, and every person a mission . . . . this is the Indian theory of existence.

There are, indeed, cures and treatments for the maladies that disproportionately affect Native Americans—diabetes, alcoholism, suicides that result from mental disorders, and so many others. The purpose and the mission of this bill is to connect those cures with those who need it most, those who have seen it longest, and through the dismal chapters of our Nation's history have a unique claim to those cures and treatments.

I urge the adoption of this amendment.

I yield the floor. 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. COLEMAN. 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. COLEMAN. Mr. President, I rise in support of the Mikulski-Coleman-Klobuchar amendment to place a moratorium on CMS's rule on Medicaid case management services. Last night, Senator MIKULSKI—and I joined with her—and Senator KLOBUCHAR offered this case management legislation as an amendment to the Indian Health Care Improvement Act, which was debated on the floor.

I begin by saying I fully understand the fiscal challenges our entitlement programs face, and I look forward to the day when we can cut aside and have an honest and productive discussion about how to preserve these programs for future generations. I think we can all agree that the goal of that conversation is to find a delicate balance between fiscal responsibility and making sure our Nation's most vulnerable populations still have access to the health care services they so desperately need. Unfortunately, when it comes to the case management rule, which I support, CMS's intent to cut out wasteful spending, it is clear to me that it fails to achieve this delicate balance.

I cannot think of a better way to describe case management than to say it is the glue that holds together our Nation's Medicaid system. In my home State of Minnesota, I have consistently heard from social workers, county supervisors, health care providers, and others about how devastating this new regulation will be for at-risk individuals and families.

Suffice it to say, when I travel throughout Minnesota and I meet with county commissioners, one of the first things they say to me is targeted case management and they raise the deep concern that the proposed CMS rules will have on their ability to service needy individuals in my State. I suspect if my colleagues across the country talk with a county commissioner, this is what they are going to hear.

I hear that without comprehensive case management services, millions of the people with mental illnesses will not be able to access the treatment medications they need to survive; that people living with disabilities will find
As I said before, I am all for fiscal responsibility, but I cannot support reforms that will have such a destructive impact on America’s foster care system. These children already have enough obstacles to face. Let’s not make their lives more challenging by taking away these critical case management services.

I should note that this amendment is fully paid for. Actually, the “paid for” is a key step forward in preserving our entitlement programs. My investigation of the case management program co-chaired by the Permanent Subcommittee on Investigations, revealed that thousands of Medicare providers who are supposed to be serving our Nation’s elderly and disabled are, instead, cheating American taxpayers in order to line their own pockets. As a solution, a provision in this amendment will save American taxpayers close to $160 million over the next five years by ensuring that CMS participates in the Federal Payment Levy Program so that Medicare payments to these entities are eliminated. The administration supports this proposal, going so far as to include it in the 2009 budget.

This amendment is simple. We recognize that we need to provide more directed case management services, but all we are asking CMS to do is take another year and work with Congress and the relevant stakeholders to develop a reasonable rule that clarifies the scope of the case management program and that provides the critical services our most vulnerable populations rely on.

My father was a carpenter by trade. He told me always that we should measure twice and cut once. In this case management program, what we have is individuals working as a system to deliver, in the most effective way possible, services to the neediest. It makes sense. I understand their concerns. CMS in my State—and I suspect throughout the country—and many others. National Council for Community Behavioral Health, and many others.

Let me take a moment to highlight some of the fundamental problems with this rule. The regulation requires that case management services must be delivered by a single case manager, which sounds reasonable enough. However, we are talking about populations that can have up to four or five or six chronic conditions. If this rule is finalized, let us say that a single case manager provide quality case management services to a person who may be suffering with HIV, mental illness, and diabetes all at the same time. Should we not have a health system that allows specialized case managers to work together to address each of these complex issues?

Isn’t the kind of care, integrated care, a key element of making sure our health care system is keeping people healthy, not just treating them when they get sick?

Another concern I have consistently heard is the new limitations on moving people from an institutional setting to a less restrictive community-based setting. Let me remind you that moving people to community-based settings was a key recommendation of the President’s own New Freedom Commission on Mental Health. Yet under this new rule, case managers would have significantly less time to prepare people to move from an institution to a community. Let me also point out that the administration has made “home and community-based waivers” a key element of its Medicaid reform efforts. I could be supportive of this initiative. We should, whenever possible, make every effort to allow people to live with dignity and independence in the setting of their choice. Unfortunately, this new rule will stand in the way of these efforts and force many people to remain institutionalized.

Finally, this new rule eviscerates case management for some of our Nation’s most vulnerable children, those living in the foster care system. By not allowing child welfare workers to provide case management services, many children will be left to fend for themselves when seeking medical services. In my State, I am all for fiscal responsibility, but I cannot support reforms that will have such a destructive impact on America’s foster care system. These children already have enough obstacles to face. Let’s not make their lives more challenging by taking away these critical case management services.

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My amendment is identical to the Semper Fi Act, which I introduced along with Senators ALLARD, BOND, BURR, CHAMBLISS, COBURN, CORYN, INHOFE, MARTINEZ, MCCONNELL, MITTEN, and probably a number of other Members. The bill that is pending now will probably be the last vote before the recess, I think it is important that we vote on this Semper Fi amendment. Last week, when I introduced the bill, the majority leader did not re- cess until after I got to the point that I do not know what the calendar is. This is an important bill, which I will explain in a minute. We also tried to move it by unanimous consent through the hotline process, and all of the Republicans approved the bill, but apparently someone on the majority side is holding it. That is why it is important that this amendment be part of the bill we are considering today.

The Semper Fi Act would rescind all earmarks, or specially designated spending projects, contained in the fiscal year 2008 Consolidated Omnibus Appropriations Act for the city of Berkeley and entities located therein, and re-directs those funds to the U.S. Marine Corps.

For those who have not been paying attention, the Berkeley City Council recently voted to ask the U.S. Marine Corps to vacate their recruiting office in town, and that if they chose to stay, they did so as “uninvited and unwel- comed intruders.”

During debate of the resolution, one council member called the Marines “the enemy gangsters” and “trained killers.” Another said the Marines had given the country “horrible karma” and said they had a history of “death and destruction.” In a document drafted to support the resolution against the Marines, the council stat- ed: “Military recruiters are sales peo- ple known to lie to and seduce minors and young adults into contracting themselves into military service with false promises regarding jobs, job training, education and other bene- fits.”

After voting to insult the men and women who fight and bleed for their freedom, the city council cast another ridiculous vote in favor of giving the radical protest group Code Pink a parking space directly in front of the Marine Corps recruiting station. They also voted to give Code Pink a sound permit for protests in front of the Ma- rine Corps building. The city council stated in the resolution that they “encourage all people to avoid cooperation with the Marine Corps recruiting sta- tion” and to “applaud” Code Pink for working to “impede, passively or ac- tively,” the work of the Marines Corps in Berkeley.

Frankly, I just returned from a visit to Iraq, saw our marines on the ground and what they were doing. It is incon- ceivable to me that any governing body in this country would say such things to our marines.

Code Pink is a fringe organization that distinguishes itself by attacking American policy, while defending dic- tator Hugo Chavez. The group is so dis- respectful that they have no problems demonstrating in front of wounded sol- diers at Walter Reed Medical Center with signs reading “Maimed for a lie.”

Another resolution asked for an escalation of anti-Marine protests. Code Pink organizer Zanne Joy points to the city council as justification for the escalation. She said that “anything legal is justified if it succeeds in per- suading the Marine Corps to move its recruiting station out of Berkeley.”

According to the San Francisco Chron- icle, Code Pink protesters have been heard shouting at young men who are trying to enter the recruiting station. “You guys are just cannon fodder!” and “They want to train you to kill ba- bies!”

It is sad to see a city like Berkeley moving so far left. The city in which the legendary World War II Pacific Theater Commander, Fleet Admiral Chester W. Nimitz, established the Naval ROTC in the fall of 1926 is now sadly a shell of its former self, thanks to its elected leadership.

This is disappointing, but in a republic- an form of government, it must be up to local voters to change their leader- ship.

However, this particular case became the business of all Americans when they insulted our troops and their con- stitutional mission to defend our coun- try; when they manipulated the Federal Gov- ernment asking for special taxpayer- funded handouts. Over $2 million was secretly tucked away for Berkeley ear- marks in the 2008 Omnibus appropri-ations bill, projects that were never voted on or debated.

I do not believe a city that has turned back on our country’s finest deserves $2 million worth of pork barrel projects. So my amendment re- vokes these earmarks.

Included in the $2 million worth of pork are some particularly wasteful projects.

One earmark provides gourmet or- ganic lunches to schools in the Berke- ley School District. While our Marines are making due with MREs of Sloppy Joe and chili with beans, Berkeley stu- dents will get Federal tax dollars to de- sign meals that promote “environ- mental harmony.”

Chez Panisse’s menu features “Comté cheese soufflé with lemon duck confit, lemon and honey eclairs with huckleberry coulis”; and “Chicory salad with creamy anchovy vinaigrette and olive toast.” That is unacceptable.

Are we to understand that the city that has been resourceful in many of the country’s most rich and famous cannot afford to pay for its own designer school lunches?

Another $975,000 earmark is for the Matsui Center for Politics and Public Service at U.C. Berkeley, which may include cataloging the papers of the late Congressman Robert Matsui. Is it really necessary to tax the paychecks of Marines so we can earmark nearly $1 million for a school that is already sitting on a $3.5 billion endowment?

Let me be clear, my amendment does not cut off all Federal funds to the city of Berkeley, though I am sure most Americans would feel that is justified. It merely rescinds wasteful earmarks. Berkeley is free to compete with other towns and cities across America for merit-based Federal grants.

Actions have consequences. When the Berkeley City Council decided to insult the Marines in a time of war, it was a $2 million decision. Especially in a time of war, we cannot just allow cities to play insulting games at our troops’ expense while continuing to shower them with congressional favors.

On Tuesday, the city council met to revisit its ridiculous actions. Hundreds of military supporters and antiwar pro- testers gathered at Berkeley City Hall. Berkeley police reported four arrests before the meeting began, all mis- sionaries. Police said there were minor scuffles between the antiwar and promilitary camps. An American flag was set aflame outside the city council chambers, damaging a pair of bicycles. When the council meeting finally started, more than 100 speakers took turns at the podium.

In a sense, what happened in Berke- ley was a quintessential American ex- perience, a spirited exchange and pro- test followed by debate and democratic action. And while I find some of the behavior of both the protesters and the protesters repugnant, the exchange itself is a solemn reminder of those who have sacrificed so much to pre- serve our freedom, especially our free- dom of speech.

Let me be clear. I do not question the sincerity of anyone on either side of the issue. I think there is genuine con- cern among many in this country about the war. But while we can re- spect the legitimate worries about the war, and can respect the sincerity of even the most radical protestors, we must recognize that words have mean- ing and actions have consequences. Some of the hateful words that have come out of Berkeley, CA, have had real consequences on our troops, their families, and our recruiting.

One of those who spoke at the city council meeting was Debbie Lee of Ar-izona, whose son Marc was the first Navy SEAL to die in the Iraq war. She demanded an apology from the council, and she said: My son gave up his life for you. Lee told the council, as she clutched his framed picture, “I’m ap- palled at what you did,” referring to the council’s vote on Marine recruiters.

Debbie Parrish, another military mom whose son Victor is currently serving in Iraq, said to the Berkeley City Council:

It is despicable what you said about our military. It is very, very sad. Shame on you.

After all the testimony from the military supporters, the Berkeley City Council could only muster the votes to not send a letter in- sulting the U.S. Marines by calling
Strowe of the U.S. Marine Corps. Senator Strowe understands what the Marine recruiters in Berkeley are going through quite well because he served as a recruiter himself for 7 years. And he just told me his folks serving with him wanted to thank those of us who were standing up for them while they were fighting for our country.

After talking with the sergeant, I decided it would be a good idea to call the Marines at the Berkeley recruiting station to ask how they were holding up amidst all the controversy. I talked to GSgt Rick O’Frente, who seemed to be taking the events in stride. He even said a number of citizens from Berkeley had come into the recruitment office, brought them food, and some had apologized for the actions of the council.

I guess I have said enough about all of what we are hearing. I have pages and pages of comments from people who are asking us to stand up for our marines while they are fighting for us, and we will be asking again for votes as part of the deliberations on this package.

Mr. President, now that I think the chairman has had a chance to understand in more detail what this bill is about, I will once again ask for the yeas and nays on my amendment and the Bingaman amendment.

The PRESIDING OFFICER. Is there objection to asking the yeas and nays on both amendments at the same time?

Mr. DORGAN. I object. I have not had a chance to visit with the Senator, and I will be glad to do so at some point.

The PRESIDING OFFICER. Objection is heard.

Mr. DEMINT. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

AMENDMENT NO. 4023

Ms. MIKULSKI. Mr. President, I wish to speak on amendment No. 4023, a very important amendment that affects over 200,000 people in my State. I am not calling up the amendment right this moment, pending some other parliamentary action, but I do wish to speak on the amendment.

This is a bipartisan amendment sponsored by Senator Strowe, who has taken a very impressive lead, as well as Senator COLEMAN. This bipartisan amendment is to stand up for constituents all over the United States of America who are severely disabled and who are about to lose their case managers.

Thousands and thousands of severely handicapped or disabled, both children and adults—are about to lose either their social workers or their nurses because of a new, harsh, punitive rule put out by the Centers for Medicaid and Medicare. The amendment does the same thing as Senate Bill 2578 that is sponsored by the Senators from Minnesota and myself and 17 others and would simply do this: It would stop the CMS from implementing the new rule by delaying its implementation until April 2009, when we have a new President and a new attitude.

Now, let me give the background. In December, CMS proposed this rule that would cut Medicaid funding to some people called “targeted case management” services. The rule will go into effect on March 3. That is why we are offering it on this very important bill of Indian health, and we thank the managers of the bill for their courtesy.

We hear all these government words, but I am going to talk today not only as the Senator from Maryland standing up for my constituents, but also as a professionally trained social worker. What is this? Well, a Medicaid case manager is either a social worker or a nurse who helps adults and children with very complicated problems. Children with disabilities get the medical and social services they need to have a quality of life to be independent. But what does that mean in real terms? Well, let me give you an example.

There is a constituent of mine, a 2-year-old, who was diagnosed with a genetic disorder that leads to significant feeding problems. This disease causes very severe problems and without help in early life. So what does the case manager do? If the case is a very complicated medical situation, often the case manager is a nurse. If it requires lots of complicated social intervention, it will be a social worker.

First of all, the case manager gets in there and does a family assessment and works with the doctors, such as Johns Hopkins or the University of Maryland, so we know what medical plan is in order for this little child to have the ability to thrive. Then the case manager works with the family in acute distress, to make sure they know someone is on their side and helps them comply with the treatment plan.

Now, what might that be? Well, in the genetic disorder case, it will be very specialized nutrition, services. It is a lot of coordination to get the right people there to help that family. It will be also speech and language and occupational therapy, so a lot of compliance to make sure that child will be able to get what they need. The case manager is the very important, psychosocial help because when a child has this type of disorder, there are other very severe psychosocial problems that emerge. Then the case manager is working with the family to get the child in the appropriate special education programs. You can imagine the kind of supervision this is.

This is tough, hands-on, gritty work.

Let’s also take a look at when there is a child born with cerebral palsy. Again, you have a biomedical plan and the need to get the right education for the child and also assistance for the family on how to do it, then a lot of nitty-gritty work. In this case, the
child would be evaluated, say, at the fantastic Kennedy-Krieger Institute, where some of the best neurosurgeons and neuroscientists will be working with them. But the case manager helps get the family a wheelchair, a ramp for the home, special education services, and other supports because this is going to be a significant responsibility for a long time.

Without case management, the whole thing falls apart. If you don’t get the right services for the family in the home, the hospitals will be inundated because you will not have the follow through on the biomedical plan that helps them remain independent or able to grow up.

Now, CMS says they do not want to pay for that. They say they have the authority from the Deficit Reduction Act and they can just slash these services from Medicaid funding. Well, in my State, this affects 200,000 people. It means that over 1,400 social workers and nurses who have devoted their life to helping the vulnerable will be impacted, and it means a Governor will have to pick up the bill. In my State, these services cost $150 million, with 50 percent paid by the feds and the other 50 percent paid by the State.

CMS estimates the 50 percent, which means Maryland will lose $75 million. I know Senator Klobuchar will tell us equally horrific stories. Senator Coleman has spoken about this. We object to CMS. We object to this rule. We object to this rule to delay the rule until sensible heads prevail.

We have 20 Senators who have cosponsored the bill that is the same as this Amendment. They have names such as Cardin, Corker, Domenici, Bingaman, Alexander, Voinovich, Brown, Snowe, Wyden, Sanders, Kennedy—the list goes on. Thirty States would be so affected they have taken it upon themselves to write directly to CSM. I must say to the distinguished chairman of the Indian Affairs Committee, this also affects his State of North Dakota. It affects severely handicapped Native American children.

This is not about who is your favorite bean counter at OMB or how can we control runaway Medicaid costs; it is how do we in this country make sure our constituents and our people get the services they need to be able to have an independent life. I believe we can give help to those who are practicing self-help, the families who are out there struggling to make sure a loved one with a handicap, a child, or an adult is able to remain independent, they need a government on their side.

So my amendment will delay the implementation. It is not my amendment, it is our amendment. It is a bipartisan amendment. I say to my colleagues from the other side of the aisle, let’s be those compassionate conservatives whom you once talked about. Join with us. Let’s do it for the parents because this is going to be a significant responsibility for a long time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I rise to speak in strong support of amendment No. 4023. This is the so-called mandatory case management amendment, just spoke about. It is a bipartisan amendment. Cosponsors are myself, Senator Mikulski, Senator Coleman, and many other Senators from across this country.

This amendment would stop the administration from making drastic changes to its targeted case management system that would hurt those in our country who are most in need of assistance. Targeted case management benefits children in foster care, kids and adults battling mental illness, and seniors and disabled people receiving institutional care. It exists to help those individuals to navigate the complicated web of available services help these men, women, and children overcome bureaucratic barriers in order to achieve independence. These services include transporting people with disabilities to and from doctor’s appointments as well as managing pharmacy services for individuals with mental illness.

These essential services are now threatened by a proposed rule change from the Centers for Medicare and Medicaid Services. For 8 years I served as the chief prosecutor and top lawyer for Minnesota’s largest county, serving Minneapolis and 45 suburban communities, with a population of over 1 million people. In that role, I worked closely with our county child protection and adult protection agencies, with our hospital, which was the biggest emergency hospital in the State of Minnesota. So I saw firsthand what would happen if we did not prevent people from getting in trouble, which would happen when they would end up at the emergency room or when they would end up in the jail because they were not getting the necessary mental health care they needed.

I know firsthand the vulnerability of these individuals, young and old, and the responsibility of Government to help them achieve as much independence, well-being, and dignity as possible.

When Congress passed the Deficit Reduction Act in 2005, it clarified exactly what services are eligible for payment under the Targeted Case Management Program. Senator Mikulski went through those important services. Unfortunately, the Centers for Medicare and Medicaid Services has since come up with a rule that goes miles and miles beyond what Congress intended. That rule is scheduled to be implemented next month. This impending rule will have a devastating fiscal impact on States and local communities.

It will endanger the well-being of vulnerable people who benefit the most from these crucial services. Our States received over $2 billion in funding for targeted case management in 2005. If this rule is put into effect, that funding will be slashed in 2008.

I want to use one example; it is from a county in my State, Dakota County. Now, this is not exactly a sort of wildfire county; it tends to be a more conservative county in our State. But, like any other county in our State, they have needs for case management services for people who are mentally ill, seniors, young kids who need help. This county has made a practice of developing a cost-effective, community-based system of services that relies heavily on case management. Why did they do it? Well, they did it to save money.

Medicaid funding has been key to developing service alternatives in homes and in less expensive settings than in institutional settings. This is the kind of innovative, cost-effective approach we want to encourage from Government. Instead, with this sudden rule change, they are being punished. Even worse, since individuals they serve are being punished.

I always believed this was a country where we wrapped our arms around the people who need the help. That is what America is about. That is what patriotism is about. But with this rule slash-and-burn of all these services, they are not wrapping their arms around these people, they are rejecting them for Dakota County, this suburban county in Minnesota.

For States such as California, Colorado, Maryland, New Jersey, New York, and North Dakota, pulling the plug on targeted case management will disrupt the lives of those served by these cost-effective efforts. Furthermore, in the end, it will just increase the total costs borne by State, local and Federal governments, which means all of us as taxpayers also pay more. It simply defies common sense.

Our amendment will postpone the Center for Medicaid and Medicare Services from making changes to their rule that would need a year to examine exactly how badly this will hurt our States and local governments, especially the children, the disabled, and the seniors who need these services most.

I occupy the Senate seat once held by Hubert Humphrey. Some of my colleagues had the great privilege of serving in the Senate with him. Hubert Humphrey was someone who, of course, was never at a loss for words. Many of those words were memorable.

There is one statement in particular that I believe is very appropriate for this topic. Senator Humphrey once said this:

"The moral test of Government is how Government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadow of life, the needy, the sick, and the disabled."

I submit that this hasty, ill-considered action to cut essential services for the most vulnerable people fails that moral test of government. I believe we can and we must do better. That is why
I strongly support our bipartisan amendment, an amendment focused on saving money in the long term by keeping people in settings that actually save taxpayers money, by not slashing funds to the most vulnerable in our society. That is why we support this amendment. As we ask our colleagues to vote with us, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The second-degree DeMint amendment to the Senator’s amendment.

AMENDMENT NO. 3894 WITHDRAWN

Mr. BINGAMAN. Mr. President, if it is in order, I will withdraw my underlying amendment.

The PRESIDING OFFICER. It is in order. The amendment is withdrawn.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. I now call up amendment 4023.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI] for herself, Mr. COLMAN, and Ms. KLOBUCAR, proposes an amendment numbered 4023 to amendment No. 3899.

Ms. MIKULSKI. 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 temporarily delay application of proposed changes to Medicaid payment rules for case management and targeted case management services.)

SEC. 213. MORATORIUM ON IMPLEMENTATION OF CHANGES TO CASE MANAGEMENT AND TARGETED CASE MANAGEMENT PAYMENT REQUIREMENTS UNDER MEDICAID.

(a) Moratorium.—


(2) MODIFICATION 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 (42 U.S.C. 1396a) or title XXI of the Social Security Act (42 U.S.C. 1396kk) for case management and targeted case management services if such action is more restrictive than the administrative action, policy, or practice that applies on or after February 14, 2008, 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.—The Centers for Medicare & Medicaid Services shall take all necessary steps to participate in the Federal Payment Levy Program under section 632(b) 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; and

(B) 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 give all 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.

(3) INCLUSION OF MEDICARE PROVIDER AND SUPPLIER PAYMENTS IN FEDERAL PAYMENT LEVY PROGRAM.—

(a) Moratorium.—

(1) IN GENERAL.—The Centers for Medicare & Medicaid Services shall take all necessary steps to participate in the Federal Payment Levy Program under section 632(b) 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; and

(B) 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 give all 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.

Mr. SANDERS. Madam President, I ask for a vote at an appropriate time.

Mr. DORGAN. 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. SANDERS. I ask unanimous consent that the order for the quorum call be rescinded.

Mr. DORGAN. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the call of the roll.

The legislative clerk continued with the call of the roll.

Mr. SANDERS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mrs. MCCASKILL). Without objection, it is so ordered.

Mr. SANDERS. Madam President, I rise in strong support of the Indian health care package being put together by Senator DORGAN. As Senator REID indicated, these are a group of people who have been the most neglected in our country, and it is imperative we move rapidly to address longstanding concerns.

I have an amendment pending to provide $800 million in emergency funding for the LIHEAP program. The reason I am offering this amendment is simple and obvious. At a time when home heating fuel is skyrocketing, millions of citizens, particularly Native Americans, are being hurt in a particularly cruel way. Millions of low-income families with kids, and persons with disabilities are desperately trying to keep their homes affordable and healthy. For reasons I do not comprehend, we are not able to legislate on this most vital piece of legislation to an underclass in America that we created—Native Americans.

There is—I knew it—a stall going on in regard to this legislation. I understand the direction that minority on FISA legislation. They wanted to stall it at the last minute so that the House would have no time to work on it. They accomplished that. But why on this? Why now, when we can legislate to try to help a group of people who badly need help? And the place they need help more than any other place is their ability to be taken care of when they are sick and injured.

Look what has happened in the State of Nevada. We used to have hospitals for Native Americans in Nevada. They are gone. They have been taken away over the years. The health care for Native Americans in Nevada is extremely limited. They are not served well.

I suggest the absence of an obligation as a country—to help these people. This is our opportunity, after years, to legislate in that regard, and we are not going to do it. I am saddened to hear about this. I am saddened that the Reporters are even allowing Indians. What is this place coming to? Why are they doing this? There is no reason we cannot legislate here, offer amendments dealing with Native Americans. But that is where we are. I am very disappointed.

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. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. DORGAN. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the call of the roll.

The legislative clerk continued with the call of the roll.

Mr. SANDERS. I ask unanimous consent that the order for the quorum call be rescinded.
warm this winter. Without this additional source of immediate funding, there is a major risk that old people and lower income people all over America will go cold. In the richest country on the face of the Earth, we have a moral responsibility not to allow that.

Over the last century, as everybody knows, in many parts of America, temperatures have been going well below zero. In my State of Vermont, in Lincoln, VT, was 21 below zero. In Nome, AK, the high temperature was 15 below; Grand Forks, ND, 12 below zero; Fairbanks, AK, 3 below zero. On and on all across the country, temperatures are getting cold. The cost of home heating oil is outrageously high. LIHEAP funding is being depleted. People are unable to afford to keep their homes warm. That, in a nutshell, is what we are discussing.

The amendment I am offering has been endorsed by many organizations and many Members of the Senate. Some of the endorses include the National Association of Area Agencies on Aging, the AARP, the National Conference of State Legislatures, many others. Let me briefly excerpt from a letter I received from the National Governors Association in support of the 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 and families that then have to choose between paying their heating or cooling bills and food, medicine and other essential needs.

That is from the National Governors Association. The AARP also has come out in support of the amendment, indicating that some of the most significant victims of what happens when it becomes cold are senior citizens who suffer from hypothermia. They are very much in support of this amendment, and we thank them for their support.

This bipartisan amendment is also cosponsored by many of my colleagues, including: Senators CLINTON, OBAMA, SNOWE, COLLINS, LEAHY, SUNUNU, KENNEDY, GORDON SMITH, COLEMAN, KERRY, STABENOW, SCHUMER, LUTTENBERG, LINCOLN, KLOBUCHAR, MURRAY, CANTWELL, MENENDEZ, DURBIN, and WHITEHOUSE. I thank them.

Yesterday, Senator GREGG offered a second-degree amendment to my amendment. In my view, his amendment is a poison pill which, if passed, would either kill or slow down all our efforts to increase emergency funding for LIHEAP. The Gregg amendment would pay for the $800 million increase in LIHEAP by cutting overall discretionary nondefense spending by about .2 of 1 percent. I am opposed to the Gregg amendment for a number of reasons. First, it is an extremely irresponsible way to do budgeting. There are some agencies that need to be cut by far more than .2 of 1 percent. And they are, in fact, programs and agencies that need significantly more funding. An across-the-board cut, regardless of the needs of a program or agency, is irresponsible.

Secondly, Senator GREGG excludes from his cuts the department that receives over half the discretionary funding, and that is the Department of Defense. If we cut all of the $500 billion-plus that goes to the Department of Defense is well spent and well accounted for, he is mistaken. You cannot exclude the largest recipient of discretionary funding from examination.

In the real world, what would be the impact of the Gregg amendment if it were to pass? I know that .2 of 1 percent may not seem like a lot of money at first blush, but let's take a look at what this cut would mean. It would mean a $54 million cut for veterans medical care, and overall veterans funding would be reduced by $86 million. I don't think any Member of the Senate supports that. While we are trying to fight and come up with an understanding on Iraq, Alzheimer's disease, Parkinson's disease, the National Institutes of Health would be cut by over $38 million by the Gregg amendment. The Gregg amendment would cut special education by $22 million. People are paying higher property taxes because this Congress, for many years, has not kept the promise it made by adequately funding special education. The Gregg amendment would cut funding for special ed by some $2 million. Head Start would be cut by $14 million. We are grossly underfunding Head Start right now. We have a major early education crisis from one end of America to the other. This would only make that problem worse. The Gregg amendment would cut community health centers by over $1 million at a time when 47 million Americans have no health insurance, creating a process by which even fewer Americans can access primary health care. Homeland security would receive a cut of $70 million. Funding would be reduced by $86 million. I certainly share Senator GREGG's concerns about the national debt. I look forward to working with him and other members of the Budget Committee to discuss how we should reduce our $9.2 trillion national debt, which increased by $3 trillion under President Bush. It is a real issue, one we have to get a handle on. But maybe we will discuss in the Budget Committee the absurdity of the estate tax which would add $1 trillion to our national debt over 20 years by giving tax breaks exclusively to the wealthiest 3 of 1 percent.

We are debating whether we should help senior citizens who are going cold this winter. But there are many, including the President, who say: No problem, a trillion dollars in tax relief for the wealthiest 3 of 1 percent.

I understand why we are providing so much relief to some of the wealthiest people in this country. Perhaps we can discuss the appropriateness of spending $12 billion a month on the war in Iraq, with most of that sum being budgeted as emergency spending. It is not an emergency. We know what is going on. Yet we are not prepared to pay for the war. We are leaving that cost to our kids and grandchildren. That is emergency spending. We can't go another month on that.

Yet there are those who balk at spending $800 million on a real emergency, and that is keeping senior citizens and families all over America warm this winter.

There is no great secret that the American people are increasingly disenchanted with what is going on in Washington, whether in the White House or in Congress. They wonder what planet we are living on. They are struggling, millions, every single day to keep their heads above water to pay for the food they need, to fill up their gas tanks in order to go to work, to keep their medical expenses down. They wonder why we are not responding to their needs. We have people here talking about more tax breaks for billionaires, when workers are losing their jobs.

Passing the Sanders amendment certainly is not going to solve all those problems.

But maybe at a time when people are going cold and others know that people are going cold, maybe—it will make the American people understand that we are a majority of American life as it exists in cities and towns across this country, that maybe we know what is going on, and we are prepared to respond in a proper way.

Madam President, having said that, I ask unanimous consent that the Senate now resume the Gregg amendment No. 4022 and that it be modified to be a first-degree amendments and that the Senate then debate concurrently Amendments No. 3992 as modified, with the time equally divided and controlled between Senator SANDERS and Senator GREGG or their designees; that each amendment be subject to a 60-affirmative vote threshold, and that if the amendment does not achieve that threshold, it be withdrawn; that if either amendment achieves 60 affirmative votes, then the amendment be agreed to and the measure be sent to the President; that the Senate adjourn pro tempore; that the vote in relation to the Gregg amendment No. 4022, as modified, occur first in the sequence and
that there be 2 minutes of debate, equally divided, prior to each vote; provided further that no intervening amendment be in order to either amendment; that upon the use or yielding back of time, the Senate proceed to vote in relation to the Gregg amendment, and followed by a vote in relation to the Sanders amendment.

The PRESIDING OFFICER. Is there objection?

Ms. MURkowski. Madam President, reserving the right to object—and I will certainly a supporter of LIHEAP, but I object at this time.

The PRESIDING OFFICER. Objection is heard.

The Senator from Vermont.

Mr. SANDERS. Madam President, I am kind of new to the Senate, but I would ask my friend from Alaska or my friend from New Hampshire: Why? Why the objection? If we are sympathetic to LIHEAP?

The PRESIDING OFFICER. To the Senator from Vermont, it is not in order to propound questions to other Senators who do not have the floor.

Mr. SANDERS. Madam President, I wonder why it would be that when we face a dire crisis all across this country, we move forward vigorously in providing relief to seniors and low-income people who need this help. I would love to have a response to that, Madam President.

Mr. GREGG. Madam President, is the Senator yielding the floor?

Mr. SANDERS. Madam President, I yield to my friend from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, obviously, I have an amendment which is caught up in this effort. I would hope we could vote on it. I think it is the right approach that we fund LIHEAP but that we also pay for that funding so we do not pass the bill for LIHEAP on to our children, so we do not put ourselves in a position where we are paying today's energy bills with our children's dollars 10 years from now, plus interest.

But I understand, having heard the majority leader come to the floor earlier and say he did not want this bill filibustered or slowed down, that this is sort of part of an exercise by the leaders of this bill on this bill—because this is the Indian health bill—to try to, I guess, clear the table so amendments which are not directly relevant to Indian health do not end up slowing down this bill.

I do not think this decision can be laid at the feet of either party. It appears it is a joint decision by the leadership of the committee of jurisdiction on Indian health. That is why this proposal, which Senator SANDERS has laid out, which I am perfectly amenable to—and I would actually support the unanimous request he propounded. It has been objected to.

I understand an amendment from our side dealing with the fact that the city of Berkeley has said the Marines there are unwelcome and has offered protestors a free parking site in front of the Marine recruiting headquarters, with a megaphone to yell at the marines—men and women who have served us in war in Iraq—that proposal, this would be the LIHEAP amendment of the Senate to that despicable act by the city council in Berkeley relative to the treatment of our marines, is also not going to probably be offered because there is an attempt to filibuster or slowed down, that this is the Indian health bill—to try to, leaders of this bill on this bill—because filibustered or slowed down, that this is the Indian health bill is a good—I don’t know if it is a good bill; I don’t know enough about it, but it appears to be supported by both sides here, and they want to move it forward. It is unfortunate the LIHEAP issue, which I think should be addressed in the context I am proposing, which is that it be paid for, will not be able to be addressed at this time. But I understand the situation, and I understand why it has happened. But I do not think it can be laid at the feet of either party.

Mr. SANDERS. Madam President, reeling my time, to the best of my knowledge, I heard the objection coming from the Republican side, not the Democratic side.

Mr. GREGG. Madam President, if I may seek the floor, I think it is pretty obvious what is happening. I want the RECORD to show that prior to the objection being raised, and I understand why it has happened, but as a practical matter, the majority leader came to the floor and castigated the fact that the bill was being slowed down by amendments, one of which would be the LIHEAP amendment.

Mr. SANDERS. Madam President, reeling my time, it is absolutely not my intention, as I indicated to Senator DORGAN, to slow this down. This is important legislation we want to pass. I would limit my time to 20 minutes, to 10 minutes. I think most people here know what the vote would be like an up-or-down vote, and let's move on to Indian health.

Mr. GREGG. Madam President, if the Senator is going to allow the bill to be open to LIHEAP, then I presume it should be open to all extraneous amendments. I suspect the amendment of the Senator from South Carolina relative to the city of Berkeley is an extraneous amendment but one that is worth debating and should be discussed.

Mr. SANDERS. Madam President, will the Senator from Vermont yield?

Mr. SANDERS. Yes, I yield.

The PRESIDING OFFICER. The Senator from Vermont yields to the Senator from Arizona.

Mr. KYL. I thank the Senator.

Madam President, if I could further explain, first of all, I appreciate that the Senator from Vermont has offered an amendment that is very important to the bill; it is not germane to the Indian health bill. I also understand how both Senators from New Hampshire are supportive of the LIHEAP approach. Whether it is paid for or not paid for is another question. But the point is, that amendment is not germane to the Indian health bill, and if there is a vote on the LIHEAP amendment, the amendment of the Senator from Vermont, there will be requests, I know, from both sides of the aisle, perhaps other requests to consider other nongermane amendments to the bill.

I think what the majority leader was saying is something that I subscribe to as well. I think if the Indian health bill is an important bill to get done. If we begin consideration of a lot of extraneous or nongermane amendments to the Indian health bill, it may well jeopardize our ability to conclude work on the Indian health bill. That is the only reason for the objection, and I hope the Senator can appreciate that.

Mr. SANDERS. Reclaiming my time, Madam President, I would ask my friend from Arizona—and I understand, the Senator from Vermont, it is not in order to propound nongermane amendments to the Indian health bill. There is a real solution to that in the real world if we are serious; that is, limiting the amount of time and reaching a unanimous consent agreement about a few amendments that might be offered so we can vote on them and move on to Indian health.

Would the Senator from Arizona be prepared to do that?

Mr. KYL. Madam President, I would be happy to respond to the Senator from Vermont in this way: There are people on my side of the aisle who have already attempted to propound nongermane amendments that they would like to have a time agreement on as well. I suspect that before we begin to get into that kind of a negotiation, the leaders will want to consider what that is going to be doing to the time schedule for the bill, and the managers of bill are going to want to do the same because we would like to conclude this bill as soon as we can; and that will open up a process that could delay matters.

Mr. SANDERS. Reclaiming my time, Madam President, I think, again, we want to move and pass, I hope, the Indian health bill. But I think if we are honest—obviously, if people want to bring up 30 amendments, that would kill the Indian health bill, but if that is not the desire, if there are very few amendments and leadership can agree on a time limit on them, we can move forward. And on some segments, have votes, and pass—at least vote on— the Indian health bill.

Again, I ask my friend from Arizona if that is something he would entertain. It does mean that no everybody can offer every amendment they want. There would have to be a limitation and a time limitation.

Mr. KYL. Madam President, I will reprise the Senator from Vermont. There are a lot of nongermane amendments left on the docket which has already been brought up— that I doubt the leaders and certainly the managers of the bill would like to see embroiled
into the Indian health care debate. Once the process begins, it is hard to control it. So it is not as simple as asking, would I be agreeable to a time agreement on perhaps the amendment of the Senator from Vermont and the amendment of the Senator from South Carolina that would undoubtedly get brought into this. But there may be others as well.

So it is not a question we can answer when one cannot see where the end of it might be. I think that is the concern we have with beginning this kind of process. But I suggest that the Senator from Vermont continue to consult with his leader, with the managers of the bill, and see if we can move the process forward.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, it is more than a little frustrating. We have been here for 3 hours this morning. We have amendments on this bill dealing with Indian health care. We have non-germane amendments that have been offered: Medicare, LIHEAP, earmarks for Bonneville.

This is a very serious issue. We have people dying in this country with respect to this health care question about American Indians. I spoke earlier this morning that the U.S. Government has a responsibility for health care for Indians. If you ask the question: Why? Because we signed up for it. We signed the treaties. We said: We promise, and we have a trust responsibility for it.

So we spend twice as much money to provide health care to Federal prisoners as we do for American Indians. We are not meeting the needs. We have people dying. So it takes 10 years to get a bill to the floor of the Senate—10 years to get a bill to the floor—to try to improve health care for Indians, and we get here, and we have unending appetites for amendments that have nothing to do with Indian health.

Look. I support low-income energy assistance. I support that. I support a lot of these issues. Many of them have nothing to do with Indian health. We are just trying to get a bill passed here.

Let me describe something I heard about a month ago to describe the urgency of Standing Rock Indian Reservation in North Dakota. It straddles the North Dakota-South Dakota border. The husband of Harriet Archambault came to a meeting I had—a listening session on Indian health care—and he described his wife Harriet and her battle to try to deal with this health care dilemma. They lived nearly 20 miles from a clinic in South Dakota. It was an Indian health care clinic. She would get up in the morning and drive 10 miles to the clinic because the clinic can take only 10 people in the morning and 10 people in the afternoon. So five times, she got up in the morning to drive to that clinic.

All five times she got there, there were 10 people ahead of her. Her medicine ran out on October 25, 2007, her husband said. Five times for the next month, she got up and drove to that clinic. She could not stay there. She was also a day care provider for her grandchildren. So this woman went, tried to sign up, but there were 10 people ahead of her—that is all they would take—and she had to go home.

Five times she did that in a month. A month later, she died. Her medicine ran out October 25. She died November 25. She had called her sister about 3 weeks before, and she said: "What do I have to do here to get the medicine I need? Die?" Well, she did die because she could not get service in this Indian health system.

The fact is, people are dying. All we are asking is that we maybe have somebody come over and offer an amendment on Indian health care and start a compromise amendment. If we have people who have these amendments, come over and offer them. We have some that are filed. Let’s have some votes and try to get through this piece of legislation.

This is the day we are on the floor of the Senate with this bill. I said earlier, it has taken 10 years to get here. Every single year we have worked on this. Senator McCAIN, who was chairman of the Indian Affairs Committee, worked on it with me—Senator MURKOWSKI. We work on it and never get it to the floor. We finally get it to the floor of the Senate, and this is like a root canal, except a root canal hurts less, because at least you are accomplishing something.

Here we come to the floor of the Senate, and we cannot get amendments up. We cannot get amendments voted on. So my hope would be we can find a way to move through this legislation.

Mr. SANDERS. Madam President, will the Senator yield?

Mr. DORGAN. Madam President, I am happy to yield for a question.

Mr. SANDERS. Madam President, I thank my friend from North Dakota.

AMENDMENT NO. 380 WITHDRAW

Madam President, I ask for the regular order with respect to the Sanders amendment No. 3800.

The PRESIDING OFFICER. Does the Senator from North Dakota yield for that purpose?

Mr. DORGAN. Madam President, I yield for that purpose. I believe I understand what the Senator from Vermont is doing.

The PRESIDING OFFICER. The amendment is now pending.

Mr. SANDERS. Madam President, given the objection, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. DORGAN. Madam President, let me say to the Senator from Vermont, I understand his passion. He knows I have a lot of passion about this bill, and I have expressed it this morning. I understand his passion about LIHEAP. Somebody from Vermont does not have to tell somebody from North Dakota about cold weather. I know about cold weather and my constituents do. LIHEAP is unbearably important, and we need to find a way to get the money out for LIHEAP. I understand that. I am very sorry he was unable to get the yeas and nays and so on. But he also understands you have to try to offer amendments where you can to authorization bills. I understand that. He is a supporter of this bill, the underlying Indian health bill we need to get done. It is also the case, I am sure, that the Senator from Alaska knows a little about cold weather. I have been to Alaska. So my hope is that working together in this Chamber we will fund the LIHEAP program, because it is very important. That also can be life or death for people, so my hope is we can get that done.

But having said all of that, again let me say we have a managers’ package that perfects—after having negotiated not for several weeks on about five or six very controversial issues, we have negotiated in a way that we have reached a compromise on all of them, satisfactory to all of the parties. We now have that in a managers’ package which we intend to offer them. It has not yet cleared. It has been a couple of hours since we have been able to clear that. My hope is that in the next 30 minutes or so we can clear that so at least we can get the managers’ package done.

I believe Senator COBURN will be here. He has some amendments filed. I hope he will be here to call up amendments which I believe he will do reasonably soon, and I think Senator TESTER wishes to speak on the bill generally.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

AMENDMENT NO. 3806 TO AMENDMENT NO. 3809

Ms. MURKOWSKI. Madam President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 3906. This is the amendment of Senator MARTINEZ of Florida. I ask that it be made the pending amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI], for Mr. MARTINEZ, proposes an amendment numbered 3906.

Ms. MURKOWSKI. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:
(Purpose: To amend titles XI and XVIII of the Social Security Act to provide increased civil and criminal penalties for acts involving fraud and abuse under the Medicare program and to increase the amount of the surety bond required for suppliers of durable medical equipment)

At the end of title II, add the following:

SEC. 2. INCREASED CIVIL MONEY PENALTIES AND AIDS.

(a) INCREASED CIVIL MONEY PENALTIES.—Section 1128B of the Social Security Act (42 U.S.C. 1320a–7b) is amended—

(1) in subsection (a), in the flush mater following paragraph (7)—

(A) by striking "$2,000" each place it appears and inserting "$20,000";

(B) by striking "$15,000" and inserting "$30,000"; and

(C) by striking "$50,000" and inserting "$100,000"; and

(2) in subsection (b)—

(A) in paragraph (1), in the flush mater following subparagraph (B), by striking "$2,000" and inserting "$4,000";

(B) in paragraph (2), by striking "$2,000" and inserting "$4,000"; and

(C) in paragraph (3)(A)(ii), by striking "$5,000" and inserting "$10,000".

(b) INCREASED CRIMINAL FINES.—Section 1128B of the Social Security Act (42 U.S.C. 1320a–7a) is amended—

(1) in subsection (a), in the flush mater following paragraph (6)—

(A) by striking "$25,000" and inserting "$100,000"; and

(B) by striking "$10,000" and inserting "$20,000";

(2) in subsection (b)—

(A) in paragraph (1), in the flush mater following subparagraph (B), by striking "$25,000" and inserting "$100,000"; and

(B) in paragraph (2), in the flush mater following subparagraph (B), by striking "$25,000" and inserting "$100,000"; and

(3) in subsection (c), by striking "$25,000" and inserting "$100,000";

(4) in subsection (d), in the second flush mater following subparagraph (B), by striking "$25,000" and inserting "$100,000"; and

(5) in subsection (e), by striking "$2,000" and inserting "$4,000".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to civil and criminal penalties imposed for actions taken on or after the date of enactment of this Act.

SEC. 3. INCREASED SENTENCES FOR FELONIES INVOLVING MEDICARE FRAUD AND ABUSE.

(a) FALSE STATEMENTS AND REPRESENTATIONS.—Section 1128B(a) of the Social Security Act (42 U.S.C. 1320a–7b(a)) is amended, in clause (2) of the flush mater following paragraph (6), by striking "not more than 5 years" and inserting "not more than 10 years"; and

(b) ANTI-KICKBACK.—Section 1128B(b) of the Social Security Act (42 U.S.C. 1320a–7b(b)) is amended—

(1) in paragraph (1), in the flush mater following subparagraph (B), by striking "not more than 5 years" and inserting "not more than 10 years"; and

(2) in paragraph (2), in the flush mater following subparagraph (B), by striking "not more than 5 years" and inserting "not more than 10 years".

(c) FALSE STATEMENT OR REPRESENTATION WITH RESPECT TO CONDITIONS OR OPERATIONS OF FACILITIES.—Section 1128B(c) of the Social Security Act (42 U.S.C. 1320a–7b(c)) is amended by striking "not more than 5 years" and inserting "not more than 10 years".

(d) EXCESS CHARGES.—Section 1128B(d) of the Social Security Act (42 U.S.C. 1320a–7b(d)) is amended, in the second flush mater following subparagraph (B), by striking "not more than 5 years" and inserting "not more than 10 years".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to criminal penalties imposed for actions taken on or after the date of enactment of this Act.

SEC. 4. MINIMUM REQUIREMENT FOR SUPPLIERS OF DME.

(a) IN GENERAL.—Section 1395aa(a)(16)(B) of the Social Security Act (42 U.S.C. 1395a–2(a)(16)(B)) is amended by striking "$50,000" and inserting "$300,000".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to actions taken on or after the date of enactment of this Act.

Ms. MURKOWSKI. Madam President, we understand that Senator Martinez will come to the floor to speak to this amendment that relates to civil and criminal penalties for Medicare fraud, but I did want to get that rolling.

I understand Senator Tester has some comments he wishes to make at this time regarding the Indian Health Care Improvement Act. I yield the floor.

Mr. TESTER. Madam President, I thank the ranking member of the committee.

Today I rise in strong support of the Indian health care program. The reason this bill is on the floor right now is due to the hard work of our chairman and ranking member which has been exhibited here in the last few minutes. They know how important this bill is. I express my appreciation to Senator Dorgan and Senator Murkowski for all of their hard work.

Since arriving in Washington a little more than a year ago, I have been meeting with leaders throughout Indian country, and one aspect is clear: The challenges that face Indian country are large. I tell tribal leaders that despite all of our good intentions, there is no way Congress can solve all of their problems this year.

As I began my tenure on the Indian Affairs Committee, I asked my friends in Indian country to share with me their top priorities. I have met with representatives and leaders from each of the seven reservations in Montana and nearly 600 other facilities.

I could go on and on. There are thousands of samples of how the Indian health care system has failed.

After I asked tribal folks about their priorities, I asked what we can do in the Senate to improve Indian health care. The response is unanimous and overwhelming. They tell me to start with the reauthorization of the Indian Health Care Improvement Act, and do it now.

This reauthorization is long overdue. The last comprehensive authorization of the Indian Health Care Improvement Act was 16 years ago, in 1992. The disparity in the quality of care provided to Native Americans is real, and it is disturbing. The Indian Health Service, or IHS, reports that members of the 560 federally recognized American Indian and Alaska Native tribes and their descendants are eligible for IHS services. This agency, within the Department of Health and Human Services, is supposed to provide comprehensive health care for approximately 1.8 million of the Nation’s estimated 3.3 million American Indians and Alaska Natives. Its annual appropriation is $3 billion. Keep that number in mind as we consider the facts.

Approximately 55 percent of American Indians and Alaska Natives living in the United States rely on IHS to provide access to health services in 49 hospitals and nearly 600 other facilities. American Indians and Alaska Natives die at higher rates from a myriad of things more than regular Americans do: tuberculosis, 600 percent higher; diabetes, nearly 20 times higher; and the list goes on and on.

American Indians and Alaska Natives born today have a life expectancy that is lower than all other races in the United States. But I did want to get that rolling.
United States. This lower life expectancy is due, in part, to the disproportionate disease burden that exists in Indian country.

It is suggested that the IHS-appropriated funding provides 55 percent of the medical care needs of American Indians and Alaska Natives. Let me repeat that: IHS provides only 55 percent of the funding necessary to meet the health care needs of American Indians and Alaska Natives in that IHS system. So now you can see why passing this bill is so critically important to improving health care in Indian country.

This legislation will help the Indian Health Service facilities become up to date. It will create programs to address behavioral and mental health issues that have been severely neglected. It will begin to address the disturbing disparities between the health status of American Indians and the general U.S. population. This legislation authorizes appropriations necessary to increase the availability of health care, develop new approaches to health care delivery, improve the flexibility of the Indian health care service, and promote the sovereignty of American Indian tribes.

Now we must start funding Indian health care at levels authorized in this bill. Don’t think that failing to adequately fund Indian health care is a budget savings. Without proper funding of the IHS, the cost will shift to our emergency rooms and our already overburdened hospitals. Make no mistake about it, we will all pay for the health care of our citizens, but we will pay a premium if we choose not to do the right thing today and fully fund this program.

There is another reason why we need to pass this bill. The Federal Government has a trust responsibility to Native American Indians, a legally binding trust responsibility. As many in this body know, this bill has made it to the Senate floor in previous years and has been blocked by the failure of the House of Representatives to act on this critical legislation.

This problem will not go away without our action. The longer we wait, the worse the problem becomes. The longer we wait, the more expensive the problem becomes. By passing this important bill, we take a critical step toward improving Indian health care and thus fulfilling our trust responsibility to American Indians.

I yield this floor.

Mr. DORGAN. Madam President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is so modified. The amendment, as modified, is as follows:

At the end of title II, add the following:

SEC. 1128B. INCREASED CIVIL MONEY PENALTIES AND CRIMINAL FINES FOR MEDICARE FRAUD AND CRIMINAL FINES FOR MEDICARE FRAUD.

(a) INCREASED CIVIL MONEY PENALTIES.—Section 1128A of the Social Security Act (42 U.S.C. 1320a-7a) is amended—

(1) in subsection (a), in the flush matter following paragraph (7)—

(A) by striking "$10,000" each place it appears and inserting "$20,000";

(B) by striking "$15,000" and inserting "$30,000";

(C) by striking "$50,000" and inserting "$100,000";

and

(2) in subsection (b)—

(A) in paragraph (1), in the flush matter following subparagraph (B), by striking "$2,000" and inserting "$4,000";

(B) in paragraph (2), by striking "$2,000" and inserting "$4,000"; and

(C) in paragraph (3)(A)(i), by striking "$5,000" and inserting "$10,000".

(b) INCREASED CRIMINAL FINES.—Section 1128B of the Social Security Act (42 U.S.C. 1320a-7b) is amended—

(1) in subsection (a), in the flush matter following paragraph (6)—

(A) by striking "$25,000" and inserting "$50,000"; and

(B) by striking "$10,000" and inserting "$20,000";

(2) in subsection (b)—

(A) in paragraph (1), in the flush matter following subparagraph (B), by striking "$25,000" and inserting "$50,000";

(B) in paragraph (2), in the flush matter following subparagraph (B), by striking "$25,000" and inserting "$50,000";

(3) in subsection (d), by striking "$25,000" and inserting "$100,000";

(4) in subsection (d), in the second flush matter following subparagraph (B), by striking "$25,000" and inserting "$50,000"; and

(5) in subsection (e), by striking "$2,000" and inserting "$4,000".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to criminal money penalties and fines imposed for actions taken on or after the date of enactment of this Act.

Ms. MURKOWSKI. 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.

CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORNYN. Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN INTELLIGENCE SURVEILLANCE ACT

Mr. CORNYN. Madam President, I come to the floor to express grave concern at reports that I hear out of the House of Representatives that they intend to adjourn and basically go on vacation for the next week or so without final action on the Foreign Intelligence Surveillance Act reauthorization.

That, of course, is the legislation that we passed out of the Senate that provides the eyes and the ears for the intelligence community in the United States to detect and to deter future terrorist attacks against the United States.

To me, it is unthinkable that the House of Representatives would adjourn and be so irresponsible as to let this unfinished business go undone and to leave America unprotected against future terrorist attacks. I know there is an argument that existing surveillance could be continued for up to a year. But what we are talking about is new contacts, new information that the intelligence community gets that would be impeded, impaired, and blocked by the failure of the House of Representatives to act on this critical piece of legislation that will expire on February 15 unless they act today or tomorrow.

So in the face of this_Congressional Record_—S1015
Also, one important part of the Senate legislation was to provide protection for the telecommunications carriers that may have cooperated with the U.S. Government shortly after September 11, 2001, in providing the means to listen to al-Qaida and other foreign terrorists who were plotting and planning attacks against the United States and its citizens.

I think it is a terrible message from the House of Representatives, if they are not going to act in a way that provides protection for those citizens, whether they be individual citizens or corporate citizens, who are asked by their country to come to the aid of the American people and provide the means to protect them from terrorist attacks. What kind of message does that send, that we are going to basically leave them out twisting slowly in the wind and being left to the litigation—some 40 different lawsuits that have been filed against the telecommunications industry that may have cooperated with the Federal Government in protecting the American people. This is on a request at the highest levels, from the Commander in Chief, and upon a certification by the chief law enforcement officer of the United States, the Attorney General.

What they were being asked to do was entirely appropriate and within the bounds of the law. But then, when the litigation ensues, to basically leave them out because one or two of them have done wrong. The Senate wisely addressed that issue. But if the House adjourns without passing the Senate version of the reauthorization of the Foreign Intelligence Surveillance Act, which includes protection for the telecommunications industry that may have participated in this lawful exercise of our powers to protect our country, it would again be the height of irresponsibility and send the message that next time a citizen, whether he be a corporate citizen or an individual citizen, is asked to come to the aid of their country, you better think twice and consult your lawyers because you are going to get sued and the Congress is not going to take appropriate measures to make sure those who helped protect the safety and security of the American public are protected.

Finally, I don’t have the information in front of me right now, but there are substantial costs that would be—would be—would be a group of trial lawyers who stand to make considerable amounts of money in terms of legal fees off this litigation are substantial contributors to Members of Congress. I hope the evidence does not develop that there are decisions being made in the House of Representatives on the basis of the interests of special interest groups such as trial lawyers who stand to gain financially from continuing this litigation that should be brought to an end here and now.

I am here primarily to voice my grave concern that while the Senate has acted responsibly—I know not everybody is happy with the outcome—to address this issue, if the House of Representatives leaves town and leaves this matter undone, the security of the American people is in peril, and it would be a tragedy indeed if something were to happen as a result of our inintelligence or our deafness to the dangers that do work both within our shores and beyond.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, let me say, I don’t think anybody in the Congress, the Senate, or the House wishes our intelligence community to be blind or deaf. Obviously, we have a process in this country with the FISA Court that allows emergency actions. The opportunity to be able to engage in surveillance and the appropriate surveillance to make sure we are listening to terrorists and all of those things are available.

There is a debate about how wide should the drift net be, that the administration might want to gather almost every communication everywhere in the world and data mine to find out who is saying what. That is an important conversation because it deals with the basic rights in our Constitution. I think there is no one in this Chamber or in the other who believes we want our intelligence community to be blind or deaf and to not have the opportunity to clearly and necessarily protect our country. That is very important to state.

Madam President, we are not in morning business, although we are doing some morning business. We are on the piece of legislation that we reported out of the Indian Affairs Committee, dealing with Indian health care improvement. I have always been enormously proud to serve in this body. I am privileged and proud to serve. I have always told people who have the Senate is 100 bad habits—that includes myself, of course. We are not doing anything at the moment. I understand, because one Senator is downtown somewhere, giving speeches, and the instruction is that nothing is to be done while that Senator is gone. Good for that Senator, but I don’t think this place ought to come to a stop because somebody decides they are going to be gone for 2 or 3 hours, so they want others to call in for $1 million a day on their behalf. That is, in my judgment, discourteous, and my hope is that the Senate could do a little business today on something that is urgent. That is not too much to ask for the Senate to perhaps consider legislation that is before it. We are now in the third day of the Indian Health Care Improvement Act, a very urgent and serious matter. This is the third day. We have been here for over 3 hours today, and we have had amendments on all kinds of issues, except issues that deal with this legislation.

Even just attempting to offer the managers’ package, which has been negotiated over the last month or so, in which we successfully negotiated on about five or six very controversial issues—we negotiated an agreement between the sides, and even being able to offer that at this point is denied because someone who is not even on the Hill and want the entire world to stop and wait for their whirls will show up at some point and maybe we can consider some amendments. I hope that will be the case.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. Madam President, I ask unanimous consent to address the Senate up to 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RURAL REPORT CARD

Mr. BROWN. This past week, President Bush submitted to Congress his last budget for the Federal Government. It is a revealing document that pretty clearly demonstrates the priorities of this administration. It used to be that budgets were designed to rein in the Federal deficit. Under this administration, budget after budget has been submitted that would, if enacted, widen the deficit.

We know 7 years ago, when President Bush took the oath of office in January 2001, we had a huge Federal surplus. Today, we have a huge Federal deficit that will be a burden on the backs of our young, middle-class family hard hit by stagnant wages, who will be the burden of our inherited debt.

While funding for programs to help middle-class families hard hit by stagnant wages would be slashed by the President’s budget, he gives enormous tax cuts to people who don’t need them—and generally didn’t ask for them—the wealthiest 1 percent of the population. They simply don’t need a tax cut.

In 2009, the President will give tax cuts of $31 billion to those people making over $50 billion a year, and the wealthiest 1 percent of the population—those making over $200 million a year, and the wealthiest 1 percent of the population—those making over $200 million a year, will get $51 billion for those making over $1 million a year. Yet he is cutting $15 billion from many of the programs that I am going to mention.

Perhaps most disappointing are the President’s cuts in Federal programs that serve rural America. The President has falling grades on his budget and what it does. He gets an F in health care, an F in education, an F in law enforcement, and an F in economic development. With faltering infrastructure, jobs are disappearing, schools are closing, and spots are becoming too scarce in health care, rural areas in Ohio, and so on.
The EPA comes in and says to these communities: You need major renovation—major replacement in some cases—of a lot of these water and sewer systems, and then they simply do not help them do that. It means higher sewer and water rates for people struggling, middle-class families who are proud and struggling to stay above water.

In places like Morgan County in southeast Ohio, a third of the people are on Medicaid. Medicaid is not a luxury; it is a crucial support system for children, the disabled, and the elderly living in poverty. Medicaid covers more than the delivery of every single nursing home resident. What is to be become of seniors under the President's Medicaid cuts? Medicaid cuts: F in health care. What is to become of the seniors without this successful insurance program? What is to become of the students without this successful insurance program? What is to become of the teachers without this successful insurance program? Again, so the President's Medicaid cuts are to pay for a tax cut for people making over $1 million a year.

The Bush budget slashes other programs designed to help rural communities address unique health care challenges. People who have to go to the emergency room have to drive 30 minutes, 45 minutes. A lot of people go to emergency rooms in southeast Ohio because they have no other care, and they go in hoping to get charity care. These are not people who are lazy. These are not people without a decent work ethic. These are people who work hard, have jobs, are barely making it, working any jobs, in too many cases, they are on Medicaid, and they have to rely on the Government because they are struggling, working hard, working a couple of jobs, and simply cannot make it on their own. Rural areas face unprecedented challenges in law enforcement as meth labs multiply and threaten families and communities. Yet, since 2001, President Bush has cut funding for State and local law enforcement programs by over 50 percent. Law enforcement: The President gets an F in rural Ohio for his budget. This year's budget would slash funding 63 percent for all State and local law enforcement programs in the Department of Justice. That is $1.6 billion again, so the President can give tax cuts to people making over $1 million a year.

The budget also eliminates funding for the COPS Program. Talk to people in Windham, Athens, Gallipolis, Chillicothe or Blair, communities that need the COPS Program to keep these communities safe. It is a program that has worked for 10 years. So the President wants to eliminate it so he can give tax breaks to people making over $1 million.

I sound like a broken record, but it is morally outrageous to do tax cuts for people making over $1 million a year and then earn an F on health care, F on education, F on law enforcement, and F on economic development for these struggling communities, the same kind of rural areas in the President's State of Missouri, rural areas where I know the President has spent a lot of time in, rural areas where I have spent a lot of time, where people are struggling, trying to stay in the middle class, trying to support their kids, and trying to just get along.

The President's proposal shortchanges overall education funding by $326 million. This budget would cut or eliminate programs to support educational opportunities for rural Ohio families, particularly programs such as career and technical education, for elementary school counseling, for Safe and Drug-Free Schools—the kinds of jobs many of these people, young people in southeast Ohio, want to get—career education, tech education, elementary school education to teach, they want to be nurses, they want to be occupational therapists, they want to be physical therapists. They want to work in their communities. They don't want to go off to big cities and leave home. They want to raise their children where their parents are so their parents can see their grandchildren. And they need jobs in Chillicothe, in Zanesville, in Cambridge, and all over southern Ohio. Our Nation's future depends on our actions now. We cannot afford barriers to our children's success in education, we can address the issues of law enforcement, we can address the needs of health care, or we can abdicate responsibility and watch our rural areas continue to decline. If our rural areas decline—and we know the strength of our rural areas in building our country in the last 200 years—if they decline in Missouri, Ohio, and around this country, it means our country declines, and we cannot stand for that.

As my State's first Senator to serve on the Agriculture Committee in four decades and a member of the HELP Committee, which has jurisdiction over health and education programs, I will continue to fight to ensure that our Nation invests in rural America. It is the smart thing to do for our future. It is the right thing to do for our families.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota is recognized.
Ms. KLOBUCHAR. I thank the Chair. (The remarks of Ms. KLOBUCHAR pertaining to the submission of S. 2642 are located in today’s RECORD under “Submission of Concurrent and Senate Resolutions.”)

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Senator GRASSLEY pertaining to the introduction of S. 2641 are printed in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

Mr. DORGAN. 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. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I know my colleague, Senator Coburn, is here. He is going to offer an amendment. I should tell you how pleased I am. Senator Coburn indicated he would be here around 2 o’clock. He was good enough to come this morning at 9:30 and engage in discussion on this that.

But we have discussion about virtually everything about the bill on the floor of the Senate, Indian health care. The fact is we have had all kinds of amendments that have nothing to do with the bill. I hope we can finally get this moving.

I had spoken this morning of some people whose experience with the Indian health care system and the lack of health care for American Indians has been devastating. Some people died as a result of not having access to adequate care that we would take for granted in our country.

Let me mention my colleague from Oklahoma is on the floor and is going to discuss one of his amendments. You know, we have a trust responsibility. We have a responsibility to keep a promise we have made in treaty after treaty for Indian health care. I do not think there is a disagreement on the floor about that.

There is no disagreement that we have a responsibility, that responsibility is in writing in all kinds of treaties. So we have made the promise; we have not kept the promise.

Let me make one final point. There is no group of Americans who have served this country in greater percentage of their population than American Indians. You take a look at the percentage of veterans who have served this country. But during peacetime and in short wars and during peacetime, no population has had a greater percentage of people who have gone to serve America than American Indians.

I told my colleagues once previously about a Sunday morning in Fargo, ND, at the veterans health care facility, veterans hospital, where a veteran named Edmond Young Eagle was dying of lung cancer. I did not know it that day, but he would die 7 days later of lung cancer.

He was a man who lived on an Indian reservation. When called by his country, he served in Africa during the Second World War, at Normandy, through Europe, served with great distinction.

He came back. He never had very much, lived a tough life, didn’t have many relatives. At the end of his life his sister asked if I could get his medals he had earned but never received. I did. I took them on a Sunday morning to the veterans hospital in Fargo, to this man who was in his mid- to late seventies, a World War II veteran, had a tough life, never had very much, was dying of lung cancer. We cranked up his hospital bed to a seated position.

He was a very sick man but very well aware of what was going on. I pinned a row of medals on his pajama top at the veterans hospital. The doctors and nurses from the hospital packed into his room as I pinned his medals on his pajama top: This is one of the proudest days of my life.

This is a man who had a difficult time in life. He never had very much but served his country when asked in Africa, in Europe, fought for his country. Many years later, just prior to his death, he was recognized by his country, as I told him: A country that is grateful for your service. There are so many who have provided so much service from Indian reservations, from Indian nations.

We have made a solemn pledge to the Indians—we signed it into treaties; we have it as a trust responsibility—we will provide health care.

As my colleague from Oklahoma said this morning, take a look at Medicare, Federal prisons, Indian health, a whole range of things. Just to take Federal prisons as an example, we spend twice the money per inmate as we spend on Medicare. We have the money, we just don’t spend it where we should.

I have spoken to the doctors and nurses and everything about the Indian health care system and the lack of Indian health care. That is a disgrace. That is a disgrace. It has to change.

I can’t tell you how pleased I am to see my colleague from Oklahoma be here. We are going to authorize $2 billion the Indian health service, great. But if they have to wait in line to wait in line to get care, maybe they can go somewhere else.

We have made a promise to the Native Americans. That is what the amendment does. The reason it doesn’t cost anything is because we are going to charge IHS for what it costs. We have designed the amendment. We are waiting to see what Mr. Coburn does with the budget and where we are going to find this $2 billion. But I promise you, we are going to get a chance to vote on my amendment to put in $2 billion. So it is not an empty promise.

One of the things we know that improves everything is competition. One of the ways to get rid of some of the waste that is in IHS and to put a priority back in is to start competing.

Mr. DORGAN. Will the Senator yield for a question?

Mr. COBURN. I am happy to. Mr. DORGAN. This is an authorization bill. The Senator is amending it. Does his amendment anticipate an increase by $2 billion for the authorized level because we are authorizing expenditures? The Senator will perhaps offer a $2 billion appropriations measure. Will all be able to work together on that. But we will also have to increase the authorization. Does the amendment increase the authorization?

Mr. COBURN. It does not at this time. This will give commitment to the chairman. Under our rules, when I want to take money away from something else, I have to deauthorize it. We don’t have enough money in Indian health so we have to authorize something else. If we get it under the budget, I have every intention of making us make a choice. I will vote for an increased authorization at this point in
In many cases there will never be competition in an area where someone is desperately sick and needs to see a doctor quickly. I happen to agree the underlying notion of this amendment of providing a card to someone to say, take this card to a health care facility and get the care fixed. If you must, I happen to think that has merit. I will be working with the Senator on that with respect to the broader approaches to Indian health care. But on page 4, line 4, is where you have budget neutrality. Under this section, the Secretary shall ensure the aggregate payments made to carry out the program do not exceed the amount of Federal expenditures which have been made available. That is saying that we do not do all of this, which would expand contract care and so on but within the same amount of money that currently exists in Indian health care. It is kind of a chicken and egg.

Mr. COBURN. I would like to reclaim my time if I may. The fact is, we appropriate $280 billion a year in stuff that is not authorized right now. So we will not have any problem appropriating this money if we don’t authorize it. A quarter of the discretionary obligation is not authorized right now. We will not have any problem with that. My amendment says, on the areas the Senator just described, to do it only if it is geographically feasible. I recognize there are some places where we still have to have the money. Under this system, you would not run over $8 trillion a year in authorizations. It can’t be hard to find $2 billion to deauthorize to increase the authorization for Indian health. We have to have a vote, and we have to do both. I am making a statement on the Senate floor—and the Senator will also come back and say we have to find some authorization somewhere else. I am willing to go vote for that, as long as we are decreasing somewhere else. I am willing to go find where that is for the chairman. I will commit that I will offer an amendment to increase the spending for this in our budget. I also will commit that when the appropriations come through, although I may not vote for the whole appropriations bill because it is not going to just be for Indian health care, I will commit that I will offer an amendment that will increase the amount of money that goes to Indian health care as long as it is within the budget. That is why I said my goal is to do that within the budget where we could have a debate about priorities.

Mr. DORGAN. If the Senator will yield further, I think in the dilemmas in providing Indian health care, not so much in the State of Oklahoma but in other areas where there are reservations, is that in many cases the only health care that is available is the Indian Health Service clinic, and you are 80 miles away from the nearest hospital. In many cases there will never be opportunity for the medical clinic to pool and aggregate the expense for providing Indian health care, not so yielding further, one of the dilemmas in my goal is to do that within the budget. That is why I said—

Mr. DORGAN. The fact is, the only place a Native American can get care is IHS, that is not freedom. That is not promising kept in its fullest bloom. It is saying, here is the only place you can get care. If the care happens to be great, super. But if the care happens to be average and they need better, they don’t have that opportunity. If the care happens to be—and sometimes we know it, is like some of the cases the chairman has presented—when it is standard and that is the only choice they have, that is not acceptable.

Let me finish my deal, and I will let you go and you can hammer me. I hope I can get you to come around. Maybe I would not get your vote. I know I will get your commitment to work toward it in the future. But I think just adding more money to IHS doesn’t fix the problem. I described that earlier when I talked about 30 or 45 minutes. What this does is, it treats Native Americans like every other American. That is what this amendment does. It gives them choice. It gets them out of the prison we have placed them in that says: You only have one place you can go. And the Senator this morning said: You can’t get out of contract funds, even if you need to go somewhere else, you can’t go.

Contract funds actually have run out on average in June. So for 5 months of the year, when we need to send Native Americans somewhere else, we don’t have the money to do it. So who suffers?

Under this system, you would not run out of contract money because you bought an insurance policy. You have them between the average cost of an individual insurance cost with what we are spending now on care.

By the way, I have another amendment where we describe what an Indian is because, in my State, we have people who are 1/512th full blood. And most people don’t think somebody that is 1/512th out of 1/4th ought to be getting full pay for their health care. And in fact, there are 12 of 1 percent Native blood. We call that whole blood. In Oklahoma, we have full blood, mixed blood, and light blood in our State. It actually is very complicated because what is happening now, we have tribes that have quantums and say: If you are not a quarter or an eighth, you are not eligible. But under the IHS system, from some of the other tribes who have members who are 1/512th, they come down to their area and they get into IHS. So here is somebody with 1/512th that we have restricted dollars away from somebody who is a quarter or somebody who is a full blood.

What we have said is: Tribes, you have to decide who is an Indian. We actually have some people who are a thousand and 24th that we are giving full blown care to in Oklahoma. They have access to care somewhere else, but they don’t want to pay the deduct or the co-pay. So they step in line in front of a full blood. We have to change that. We have to change that. We have to fix that because our obligation has to be to the person with the most and then come down. So if we really have restricted dollars, what we have to say is, if you are below a certain level, you have to contribute something. But that is the other way that we solve this problem. That doesn’t demean the heritage of our Native Americans.

What that says is, the reality is, in 2018 in this country, we are going to be looking at spending for the first time because that is the year interest rates through the roof. That is the year we run out of Social Security with which
to pay for Medicare. That is the year in which for the projected spending, based on revenues, based on growth even at 4 percent, we start running trillion-dollar deficits—trillion-dollar deficits.

Have we ever asked ourselves why gold is worth more than the American dollar than it was 10 years ago? Do you think it has anything to do with people thinking we cannot pay back our debt?

So this idea that we are going to have more money in the future to do more things is not going to be there. We need to come to the reality of the situation. We need to start making some of the hard choices. To me, keeping our commitment to Native Americans has to be set up now; otherwise, it is not going to happen, and the funding is not going to get increased between now and 2016. Other than what we do this year, it is going to be hard. The money is going to be hard to get, even if we get out of Iraq.

We are going to get notice today on what I have been working on for 2 years, talking to the Census Bureau about that they are going to be out of contract to provide whole health about that, and we have now taken money out of the system that currently exists—and, by the way, you cannot spend any more money than you are now spending in a system that is already 40 percent short of money.

How can we have an amendment that says, let’s do this in a way which for the projected spending, based on revenues, based on growth even at 4 percent, we start running trillion-dollar deficits—trillion-dollar deficits.

The PRESIDING OFFICER. The amendment is pending.

Mr. COBURN. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered. The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I thank my colleague for coming and debating the amendment. I understand he has to leave.

The Senator from Oklahoma certainly is right, it is not more money necessarily that is only going to solve the problem. But I guarantee you that less money will not solve the problem. If we are 40 percent short of money needed now, you that the same amount of money will not solve the problem. The amendment he has offered has a provision that says we are going to do something different, we are going to do something that is unique, by saying we are $2 billion short. It is interesting, I do not necessarily disagree with the proposition of trying to find choices, providing an insurance card, or some other mechanism by which we create some competition with the Indian Health Service. But this may be much better for Oklahoma than it might be for other States.

If you have an Indian Health Service area where there is an Indian reservation 80 miles from the nearest hospital, and the only health care capability you have is to go to the Indian Health Service, well, you know what, we better have adequate funding for that, at least current funding for that. If you add another program on top of this for other Indians who can go somewhere else in a metropolitan area and be able to present a card, because they have now taken money out of the system and put their own insurance—you allow that to happen, then the American Indian who is living on the reservation with the current Indian Health Service clinic there has less money.

How does that work to help the folks who are stranded with no competition? It seems to me the way this is written, with a restriction that says there cannot be any additional resources beyond that which currently exist—and, by the way, the President wants to cut that. We have wide-scale health care rationing going on in this country, with people dying because of it, and the President’s budget cuts it.

Mr. COBURN. I inquire of the Chair, earlier this morning I made all my amendments pending.

Mr. President, I ask for the regular order on amendment No. 4034.

The PRESIDING OFFICER. The amendment is pending.

Mr. COBURN. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

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My colleague says: I will support—quoting him—increased funding, increased authorization. But the amendment he authors actually restricts the amount of money available. In order to do something new, if you are going to spend $2 billion, you are only available to what is available now—if you are going to do something new—it is going to come from some place. I will tell you where it is going to come from. It is going to come from clinics out in those reservations where there is no choice.

There is only one opportunity for somebody who has broken an arm or developed an illness or disease and needs to go somewhere to find health care. They are going to go to the local Indian health clinic. This money is going to come out of their hide because this amendment offered provides a restriction that no additional resources can exist.

I do not denigrate the idea offered by the Senator from Oklahoma. But this clearly is not something that would be helpful to a lot of American Indians. In fact, I believe it would be hurtful to a lot of American Indians. The ones who have no choice—who have no choice at all—but must try to get their emergency care and must try to get their basic health care met at those clinics. I mentioned this morning a woman named Harriet Archambault whose health care was in McLaughlin, SD, in a satellite clinic of the Indian health care facility for the Standing Rock Tribe. She got her health care: the McLaughlin, SD, satellite clinic. They can handle 10 people in the morning and 10 people in the afternoon. That is it. If you are not on the list of 10, that is it, and you cannot make a reservation. You come and you sign in.

Well, she came five times, drove 18 miles one way each time. Five times she came, and 5 times she was too late to be in the top 10. She could not stay because she was caring for her grandchildren. She was the daycare provider for her grandchildren. Her medicine had run out for hypertension and high blood pressure in mid-October. Five times she got up early in the morning to drive nearly 20 miles, and she did not get there in time. There were 10 people on the list ahead of her. One month later she died. She tried five times and never got there, in a remote satellite location.

The fact is, people are dying. Children are dying. Elders are dying. There is not nearly enough money to keep the promise this country made to American Indians. The amendment offered today is one that I am very interested in working with the Senator from Oklahoma on in a significant reform package in which we dramatically increase the resources to keep our promise, and then try to provide some competition and some choice. I am interested in doing that, frankly.

I am not interested in passing an amendment that says, let’s do this in a
way that restricts funding for others, which is what this amendment does. There is a specific restriction on funding, and that means there is going to be less funding for those clinics, including the satellite clinics. That is not something I am willing to entertain.

But, again, I appreciate finally getting an amendment offered. My colleague indicated he will be back. I indicated earlier we are at parade rest because one of our colleagues apparently has an objection, through his staff, through leadership, and he is off, apparently, at a meeting downtown, and has a speech, and he will be back sometime around 3:30 maybe. But in the meantime, through his staff, we are told we are not able to move on anything.

I have a managers' package that is agreed to, I believe, and I want to send it to the desk in a moment. My understanding is, we cannot move to embrace the fact it would be a unanimous consent, because one of our colleagues is downtown and will not be back for an hour and a half. That will make him gone for 3 hours. In the meantime, we sit here with our hands in our pockets trying to figure out how on Earth we explain this is a body that is supposed to get something done.

I said this morning I have often called this place 100 bad habits, despite the fact I feel enormously privileged to be here. I love the Senate. But I am not very happy about the way this place works today because we deal with an important issue that is life or death to some people, and we are having a difficult time.

Senator MURKOWSKI has worked on this bill with me for a long period of time. Before her, Senator MCCAIN worked on this legislation. We are finally on the floor of the Senate, and because of things that have nothing at all to do with this bill, we are standing here frozen because somebody is gone, apparently.

Mr. DURBIN. Mr. President, I will the Senator yield?

Mr. DORGAN. Mr. President, I am happy to...

Mr. DURBIN. Mr. President, I say to the Senator from North Dakota, this is a critically important bill for a lot of very vulnerable people. Native Americans, who have not been treated well through history. I thank the Senator from North Dakota for his leadership in trying to bring this bill to the floor. But could I ask the Senator from North Dakota, how many days have we been on the bill on the floor of the Senate?

Mr. DORGAN. Mr. President, this is this third day we have been on the floor of the Senate. Our hope was this would be the day in which we complete action by late this afternoon. Obviously, that will not appear that way.

Mr. DURBIN. Mr. President, is it my understanding that one Senator has announced he is off for lunch and some meetings and would like to stop the Senate from any further consideration of this bill until he decides to return? Is that the situation?

Mr. DORGAN. Mr. President, I am told one of our colleagues, who is upset about something, has gone off to give a speech and will not return for a while. His staff indicates we are not to move without his consent, and he won't provide consent until he comes back, if then.

Mr. DURBIN. So the Senate is at a halt at this point and the Senator's personal schedule accommodates his return?

Mr. DORGAN. Well, it sounds that way. But we will see. Again, it is very frustrating. We have worked very hard to bring this legislation to the floor of the Senate. I know a lot of people are counting on the Congress to do the right thing. My hope is we can move forward. I think we have about four amendments we have cleared. We have a managers' package that is cleared. We will get votes on the Coburn amendment, which is germane, right on target, on the bill. So there is no reason we cannot move forward and get this piece of legislation done.

Mr. DURBIN. Mr. President, I would like, through the Chair, to ask the Senator from North Dakota, why don't we go ahead and move the package then, and we can preserve the right of that Senator to offer his amendment when he returns. That is preserving his right as a Senator if he wants to offer an amendment. But to stop the entire amendment process and all the other possibilities—I hope we do not let that happen.

Through the Chair, I ask the Senator from North Dakota, is that being considered?

Mr. DORGAN. Yes. Let me do this. Let me say the managers' package is something we have negotiated. I believe it has been agreed to unanimously. I do not know of any objection to the package itself. I do know of some objections to the process because one Senator who is not here has staff objecting.

Let me suggest in about 5 minutes I am going to send the managers' package to the desk and ask for its consideration. If there is someone who feels a managers' package that has been unanimously agreed to and worked on very hard—by the way, let me say—and my colleague Senator MURKOWSKI can add to it—we have about five or six amendments to the managers' package that are very controversial and had caused us a lot of problems. We worked and worked and negotiated with all of those for whom this controversy exists, and we negotiated something that is fair. I think it was a good thing to have done. Finally, this managers' package, I think, is now agreeable to everybody, and it is a good piece of work. So in about 5 minutes I wish to send it to the desk and ask for its consideration.

Mrs. BOXER. Mr. President, will the Senator yield, through the Chair, for a question?

Mr. DORGAN. Mr. President, how much time is Senator BYRD requesting?

Mr. BYRD. Fifteen minutes.

Mr. DORGAN. Mr. President, Senator MURKOWSKI may wish to add some comments, at which point I believe I will send the managers' package to the desk and ask for its consideration.

Mrs. BOXER. Mr. President, can I have an answer to my question?

Mr. DORGAN. I intend to answer the Senator.

Mrs. BOXER. Thank you.

Mr. DORGAN. Following that, I will be happy to yield the floor. As I understand it, the Senator from California wishes to follow the Senator from West Virginia.

Mrs. BOXER. If I might, yes.

Mr. DORGAN. The Senator from West Virginia wants 15 minutes. And the Senator from California wants how much time?

Mrs. BOXER. I think if I have 15 minutes that would be fine.

Mr. DORGAN. Mr. President, let me defer on the managers' amendment for a moment, and let us begin with Senator BYRD's request for 15 minutes, followed by Senator BOXER. Then my hope would be that we can come back to this bill. We have amendments pending and it is very important that we finish the bill itself this afternoon.

Mr. DORGAN. Mr. President, I am happy to...

Mr. DURBIN. Mr. President, if I might have the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, on February 11, 2008, the Congressional Budget Office responded to an inquiry from Senator KENT CONRAD, the chairman of the Committee on the Budget, regarding the costs to date of U.S. operations and involvement in Iraq and Afghanistan. Allow me to quote in full the critical summary line of this letter:

If the administration's request for 2008 is funded in full, appropriations for military operations and other war-related activities in Iraq, Afghanistan, and elsewhere in the war on terrorism will rise to $188 billion this year and to a cumulative total of $752 billion since 2001.

It can be difficult to truly grasp how large a number is $752 billion. Let me offer some comparisons. According to Forbes Magazine, the world's most expensive car, a 1930 Bugatti Type 41 Royale, is worth an estimated $10 million. For $752 billion, one could own a
fleets—a fleet—of 75,200 Bugatti Type 41 Royales; that is, if more than 6 had ever been made, or for $752 billion one could purchase 442 space shuttles at $1.7 billion each, according to NASA.

Here is one final comparison: According to the Bureau of the Census, the average price of a home in the United States in 2007 was $311,600. Let me repeat: According to the Bureau of the Census, the average price of a home in the United States in 2007 was $311,600. Let me repeat: According to the Bureau of the Census, the average price of a home in the United States in 2007 was $311,600. Let me repeat: According to the Bureau of the Census, the average price of a home in the United States in 2007 was $311,600.

There is $752 billion, one could buy 2,413,000 homes—enough homes to house every family in a city roughly the size of Jacksonville, FL or Indianapolis, IN. There is $752 billion. I would be the first to agree, as the President’s fiscal year 2009 budget request has come in, and Secretary Gates has suggested that after the “surge” troops come home, troop levels in Iraq will not—will drop below 130,000 for at least—at least the remainder of this year. In Afghanistan, the 27,500 troops currently deployed will be augmented by an additional 3,200 marines this spring. So I do not believe that this budgetary comet will do anything but continue its meteoric rise.

We all might still count this $752 billion as well spent if we thought we were getting good value for our money, if both nations were being rebuilt and showing signs of stability and recovery. However, there is evidence that the vast sums of money being thrown at Iraq and Afghanistan are not all being well spent. Far too much money is being wasted. Far too much money is being well spent. Far too much money is being wasted. Far too much money is being well spent.

In Afghanistan, one U.S. think tank recently estimated that only $1 of aid out of every $400 being spent is actually reaching an Afghan. In Iraq, a local Iraqi businessman told a reporter that: I’d say that about 10 percent of business was corrupt under Saddam. Now, it’s about 95 percent. We used to have one Saddam, now we have 25 of them.

Despite the growing reports of corrupt practices and the rising number of allegations of the fraud, waste, and abuse of Government contracts, not enough time has been allotted under government control in Afghanistan and Iraq. That must be stopped.

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I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, the announcement by the Senator from West Virginia, chairman of the Appropriations Committee is, I think, good news. It is the case that the Appropriations Committee appropriates a great deal of money, and the question about oversight is very important. The Senator from West Virginia talks about understanding and needing to know how the money is spent, where the money is spent.

With nearly three quarters of a trillion dollars having been spent on the war in Afghanistan and Iraq and the war on terror, there has been so much waste, fraud, and abuse, and there has been too little oversight. The Senator from West Virginia is showing great foresight and courage in saying we are going to provide that oversight. I think the Senate and the American people deserve the hard-earned money has been going. I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I am speaking to an amendment that was offered by Senator DeMINT, which he said he wants to reoffer. I want to address this amendment which unfairly targets and penalizes taxpaying Americans by denying them some very important appropriations that were approved by Congress in 2008.

Senator DeMINT came to the floor to describe actions that the city of Berkeley took last week in relation to the U.S. Marine Corps recruiting office. Let me be completely clear about those actions. Three of the members, in particular, wanted to send a letter expressing their disapproval of the Marines having a recruiting center in Berkeley. The language was offensive to many. I did not agree with any of the actions. Given the confusion about the Council’s documents and the public’s understanding of the matter, it is the responsibility of all of us—and I mean all of us—to determine the scope and scale of the problems and then to devise the best—nothing but the best—and fastest solutions to fix them.

I ask unanimous consent to have printed in the RECORD the statement they made about the Marines, if I might.

Now, on Tuesday, they explicitly stated that the ill-advised letter they were planning to send to the Marines would no longer be sent if you would think Senator DeMINT would then say, fine, I am glad they changed their mind. In addition, the city said this in writing.

I ask unanimous consent to have printed in the RECORD the statement they made about the Marines, if I might.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CITY OF BERKELEY

CITY CLERK DEPARTMENT

To: Senator Barbara Boxer, Jennifer Tang:
From: Councilmembers Olds and Capitelli.

The City of Berkeley, through communications with the Marine Recruiting Station in Berkeley, regarding the following statement, which was made by Mayor Bates and Councilmembers Olds and Capitelli.

2. Accept the following statement submitted by Mayor Bates and Councilmembers Anderson, Maio and Moore:

Given the confusion about the Council’s action on January 29, 2008, a strong statement of the Berkeley City Council’s position...
regarding the Marine Recruiting Station is needed. The City of Berkeley and the citizens are strongly opposed to the war in Iraq. The war has resulted in over 4,000 soldiers killed, tens of thousands injured, and billions of dollars in costs. This immoral war could have been spent to meet the needs of our people and to strengthen our economy. We recognize the recruiter's right to locate in our city and the right of others to protest or support their presence. We deeply respect and support the men and women in our armed forces. However, we strongly oppose the war and the continued recruitment of our young people into this war.

With the issuance of this statement, there is no need to send the letter to the Marine Corps that the City Council approved on January 29, 2008.

Noes: Ould, Wozniak.

Mrs. BOXER. Mr. President, they said they "deeply respect and support the men and women of our Armed Forces." I think the council did the right thing. They realized they should not mix up the Iraq war, which was brought to us by this President, and the war that the congressmen who fight it. There is a difference. The congressmen who fight it; I am very glad about that. You would think Senator DEMINT would be very glad about that. He is not. He is still angry and he is still wanting to fight the battle of a couple weeks ago and not recognize the fact that this letter he was ralling about, which offended him and many others, was never sent.

That aside, the DeMint amendment is an attack on the rights of citizens to participate in free speech. There are a lot of things that go on in this country that I think are terrible: I think they are wrong, mean spirited, and hurtful. I think a lot of things, because we all have our own opinions on what is said. If every time I heard about some city council in another State saying something I thought was offensive, that hurt our military, our seniors, disabled people, minorities or children, I came out here and said: Oh, my goodness, let's withhold funds from that city because of that city councilman, we would have quite a situation on our hands.

State and local governments all across this Nation pass resolutions and measures that many of us don't agree with on a host of issues. Disagreements are part of the political discourse. Why on Earth would we punish good, decent citizens because some members of their local government or the sewer district or mosquito abatement district or water district or others say something that is offensive? Yes, we have a right to come to the floor, as Senator DeMINT did, and say it is terrible and wrong and take it back. That is fine. I welcome that. But I don't sit around waiting to hear what they are saying in South Carolina, Georgia, Texas, and Oklahoma in the Senate. The Senators who want to take away these funds from the good people of northern California. I don't sit around waiting to see what they might say, and then say I am going to punish everybody because I don't agree with that speech.

The other thing I found interesting is that in a press release the Senator from South Carolina, Senator DEMINT, challenged the appropriateness of the funding requests granted by the Appropriations Committee. Today, he called them "secret" earmarks. Yet every one of these projects was funded in the most open and transparent manner.

I will show you what those earmarks are. As a matter of fact, this is an opportunity for me to celebrate those particular projects because they are so important to the police, to the fire department, to the children, to the disabled, to students, to the memory of a wonderful Congressman Bob Matsui, and also to the environment. You will see what I mean. Every document pertaining to those projects was made available to the public. Every request was approved in the openness of the House and Senate Appropriations Committees and the openness of the House and Senate Chambers.

If the Senator from South Carolina, Senator DEMINT, would posit, that the Senator didn't do that. Oh, no, he is going to challenge the funding of those requests. He had that opportunity when the bill was on the Senate floor. He didn't do that. Oh, no, he is going to challenge them because someone in the city council—several members—said something offensive that he didn't like and, therefore, as a result of that, instead of standing up and talking to those people who made those offensive comments and trying to change their mind, he tries to punish all the people in the surrounding area. The reason, Mr. President, he wouldn't do that, is because he didn't challenge these earmarks at the time they were made is because they are excellent programs.

Congressional and executive funding requests, whether they are earmarks from the President or Congress, should be awarded based on merit, not based on what someone in a community said. It is just beyond belief. They should be able to stand on their own merits and serve the people we represent.

I am going to show you some photographs that talk about some of these earmarks. The first is of these beautiful children standing in this garden that is run for the benefit of public schools in the Berkeley School District. These students learn how to plant and grow vegetables and harvest the vegetables. They work the garden. They learn about nutrition. They learn how to cook the food, serve the food, and clean up. This is such a popular program that it is being replicated in places all over the country. We all know we have serious problems with our kids with diabetes. We know our kids don't eat the way we want them to.
Berkeley. I showed the people coming back from the war, paralyzed veterans in wheelchairs. Senator CORNYN wants to cut that earmark because the city council said something offensive which they have now since taken back. I would never go after Senator CORNYN’s paragraph vehicle replacement in Athlène, TX.

Here we go: The Strom Thurmond Fitness and Wellness Center at the University of South Carolina. We don’t know who got that earmark because it was secret. It was secret. But I would never try to take away the Strom Thurmond Fitness and Wellness Center. Then let them leave alone the Bob Mathis Center for Public Service at UC Berkeley.

Senator INHOFE, my friend, is a proud sponsor of this amendment, too. He has the Oklahoma City River Ferry Boat Transportation Program. He was proud to get that earmark. I would never go after Senator Inhofe in Oklahoma said something that I did not like, a city councilman, a mayor. Maybe I wouldn’t like it and I might write them a letter and say what they said was wrong, unpatriotic. I don’t agree with it. But I would never go after an earmark that removes people from place to place. So let him leave alone the San Francisco water ferry.

Here is Senator VITTER, another proud cosponsor of the DeMint amendment. I cannot tell you how much I appreciate what you have said. And Senator Vitter in my committee get help for the people of Louisiana. Do I agree with what every city council member says in Louisiana? Probably not. And if I did disagree with them, if they said something I found unpatriotic or not caring about our troops, I would send them a letter, but I wouldn’t go after Senator Vitter’s earmark for the Baton Rouge Communication Technology Pilot Program because I think it is important that police, firefighters, and emergency workers, who are our heroes, have the funding they need.

The final item I want to show my colleagues is this: This move by Senator DeMINT to take away the funding was addressed by the chair of the Military Affairs Department, Commanding Officer, ROTC, at the University of California. I want to read what he said about the University of California at Berkeley. I will just read certain statements.

Given the recent spate of controversy surrounding the U.S. Marine recruiting office . . . I feel it is my obligation to inform members of Congress of the relationship we have with the Marines and the outstanding support it provides not just to the ROTC Program but to all military personnel, their dependents and veterans as well. UC Berkeley has been and continues to be a very big supporter of all our ROTC programs here on campus. They should in no way be associated with or linked to the actions of the Berkeley City Council which has taken on a very outspoken stance against the United States Marine Corps Recruiting Station in the city.

I would like to ensure that those in favor of the Emper FRI Act understand that UC Berkeley is a tremendous supporter of all the military programs on campus as well as all the military personnel, their dependents and veterans who attend this university. It would be a travesty of justice to . . punish UC Berkeley for the actions of the Berkeley City Council.

When this was written, I don’t know whether Captain Laird knew that the Berkeley City Council did not send that letter and instead finally realized their mistake and said how much they support our men and women in uniform.

The fact is, this kind of a punishment for a community such as this, a community of families who care about their country, who are paying tax-citizens, because of actions of a few, is an outrage. It would be a terrible precedent if we now started punishing children, policemen, firemen, disabled veterans, and students. If that is what we are going to become in this Senate, then we do not deserve to be here. That is absolutely absurd.

The Marine Corps has given 232 years of exemplary service to our Nation and, tragically, 974 of the marines who served in Iraq paid the ultimate price. More than 400 of those were based at Twenty-third Naval Base Camp Pendleton in my home State of California. The Marines deserve our respect and our gratitude and our support.

Again, I am glad that the council realized there is a difference between a war and a war.

Again, Senator DeMINT seems to be making political points on an issue that essentially was resolved. But if he wants to come here and debate with me why it is OK to take away money from disabled veterans, why it is OK to take away money from firefighters, many of whom are veterans, many of whom live on the line every day, if he wants to have that debate, I will be on my feet, and I will have that debate.

I know Senator Dorgan wishes to have the floor. Mr. President, is Senator Dorgan ready to make his UC request?

Mr. DORGAN. Mr. President, has the Senator from California completed?

Mrs. BOXER. I will yield to Senator Dorgan or I can complete in 2 minutes.

Mr. DORGAN. Mr. President, I ask the Senator from California to complete her statement, after which I will be recognized.

Mrs. BOXER. The point I am making is, we all have our opinion on what constitutes free speech. I support Senator DeMINT’s right to express his opinion about what he thought of the proposed actions of the Berkeley City Council. He has every right to do that. He has every right to offer his amendment. But I have every right to come down here and say I think not only is it mean-spirited, it is hurtful to the wrong people. And I have every right to complete my amendment and say: Senator DeMINT, they never sent that letter to the Marines, happily. They rethought it.

If he wants to continue with this amendment, if he wants to offer it to every bill we have, then I will be right down here with more testimony from the marines who will never confuse our incredible welcoming UC Berkeley is to our men and women in uniform.

There will be wars in the future—we all hope there will not be, but there may be—with which we do not agree, but we must never confuse our outrage at the people who would send our young people to a war of choice or a wrong-headed war and the young people who are sent there. We must come here every day to support those young men and women. Let’s not use this as a way to take cheap political shots because they do not deserve it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, we have been patiently waiting for some hours now. It is pretty unbelievable to watch this process work. The old saying about watching sausages being made or laws being made is not very attractive picture. That certainly is true today on the floor of the Senate.

We have legislation we reported out from the Indian Affairs Committee with an obligation that this country has to provide Indian health care. It is an obligation we promised in treaties. It is a trust obligation reaffirmed by our courts, and it has been nearly 10 long years getting to the floor to reauthorize the Indian Health Care Improvement Act. It is not as if anybody is speeding around here.

We finally get to the floor of the Senate, we are on the third day, and we have all kinds of amendments that little to do with Indian health care.

We have been standing at parade rest for 3 hours while one of our colleagues has been giving speeches downtown and this bill has individually sent to the floor. Is this this country has to provide Indian health care. If he wants to continue with this request. I do not understand the 25 stages of approval required in this Chamber to say hello or goodbye. Perhaps we can find a way to move on the issue that confronts the Senate at this moment, and that is Indian health care. Even as we talk, people die out there because there is full-scale rationing of health care.

One part of this legislation that we have worked on is called the managers’ package. It is not the managers’ package we see with other legislation where there are a lot of additions. This managers’ package is a requirement we had to try to negotiate about five very difficult and very controversial issues. We had great objections to certain areas of the bill, so Senator MURkowski and I and our staffs worked over the last month to negotiate, and we reached agreement on five or six areas. That agreement was pretty difficult to reach, but we did it with a lot of people on both sides of the aisle. That is what is comprised of this managers’ package.
Our managers' package is at the desk. I ask unanimous consent that the
pending amendment be set aside and that the managers' amendment, which
is at the desk, be considered.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk
will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. Dor-
gan], in the Chair, referred Ms. Murkowski, who
poses an amendment numbered 3982 to amendment
No. 3899.

Mr. DORGAN. Mr. President, I ask unanimous consent that the reading of
the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 138, strike lines 5 through 9 and in-
sert the following:

"(II) may include such health care facili-
ties, and such renovation or expansion needs
of any health care facility, as the Service
may identify; and"

On page 146, strike lines 15 through 17 and
insert the following:

"wellness centers, and staff quarters, and the
renovation and expansion.

On page 145, line 13, insert "and" after the
semicolon.

On page 145, line 18, strike "and" and in-
sert a period.

On page 147, strike lines 17 and 18.

On page 146, line 9, strike "hostels and".

On page 147, strike lines 15 through 21 and
insert the following:

"(e) FUNDING CONDITION.—All funds ap-
propriated under the Act of November 2, 1921 (25
U.S.C. 13; commonly known as the "Snyder Act"; for
the planning, design, construction, or
renovation of health facilities for the benef-
eft of 1 or more Indian Tribes shall be sub-
ject to the provisions of section 102 of the In-
dian Self-Determination and Education As-
sistance Act (25 U.S.C. 450) or sections 504
and 505 of that Act (25 U.S.C. 458aaa-3,
458aaa-4).

Beginning on page 159, strike line 12 and
all that follows through page 161, line 16, and
insert the following:

"SEC. 103. PREFERENCE TO INDUSTRY AND INDIAN FIRM.

"(a) DISCRETIONARY AUTHORITY: COVERED ACTIVITIES.—The Secretary, acting through
the Service, may utilize the negotiating au-
thority of section 245 of the Act of June 25,
1910 (25 U.S.C. 47), to give preference to any
Indian or any enterprise, partnership, cor-
poration, or other type of business organiza-
tion engaged or controlled by an Indian or
Indians including former or currently fed-
erally recognized Indian Tribes in the State of
New York (hereinafter referred to as an 'In-
dian firm') or by an Indian or Indians accom-
panied by a signed attestation of United States
citizenship or nationality of a member of
any such Indian tribe for purposes of satisfy-
ing the requirements of this subsection.

"(b) SERVICE.—Nothing in this Act author-
izes the Service to

"(1) to charge an Indian for services; or

"(2) to require any Tribal Health Program to
charge an Indian for services.

On page 347, after line 24, add the fol-
lowing:

"SEC. 104. MODIFICATION OF TERM.

"(a) IN GENERAL.—Except as provided in
subsection (b), the Indian Health Care Im-
provement Act (as amended by section 101);
and each provision of the Social Security
Act amended by title II are amended (as ap-
plied)—

"(1) by striking " Urban Indian Organiza-
tions" each place it appears and inserting "urban Indian organizations";

"(2) by striking " Urban Indian Organiza-
tion" each place it appears and inserting "urban Indian organization";

"(3) by striking "Urban Indians" each place it appears and inserting "urban Indians";

"(4) by striking "Urban Indian" each place it appears and inserting "urban Indian";

"(5) by striking "Urban Centers" each place it appears and inserting "urban centers"; and

"(6) by striking "Urban Center" each place it appears and inserting "urban center".

(b) EXCEPTION.—The amendments made by
subsection (a) shall not apply with respect to

"(1) the matter preceding paragraph (1) of
section 510 of the Indian Health Care Im-
provement Act (as amended by section 101); and

"(2) " Urban Indian" the first place it ap-
pears in section 510a of the Indian Health Care
Improvement Act (as amended by sec-
tion 101); and

"(c) MODIFICATION OF DEFINITION.—Section 4
of the Indian Health Care Improvement Act
(as amended by section 101) is amended by
striking paragraph (27) and inserting the fol-
lowing:

"(27) The term "urban Indian" means any Individual who resides in a center
and who meets 1 or more of the 4 criteria in sub-
paragraphs (A) through (D) of paragraph (12) of
section 101.

Beginning on page 358, strike line 23 and all
that follows through page 360, line 11, and
insert the following:

"(1) SATISFACTION OF MEDICAID DOCUMENTA-
TION REQUIREMENTS.—Section 1905(x)(3)(B) of
the Social Security Act (42 U.S.C. 1396(x)(3)(B)) is amended

"(1) by redesignating clause (v) as clause
(vii); and

"(2) by inserting after clause (iv), the fol-
lowing new clauses:

"(v) Except as provided in clause (v), a
document issued by a federally recognized
Indian tribe evidencing membership or en-
rollment in, or affiliation with, such tribe
(such as a tribal enrollment card or certifi-
cate of degree of Indian blood).

"(vii) With respect to those federally rec-
ognized Indian tribes located within States
having an international border whose mem-
bership includes individuals who are not citi-
zens of the United States documentation (in-
cluding tribal documentation, if appropriate)
that the Secretary determines to be satis-
factory documentary evidence of United States
membership or citizenship or nationality under the regula-
tions adopted pursuant to such clause.

"(II) Not later than 90 days after the date of
enactment of this clause, the Sec-
rector, in consultation with the tribes re-
ferred to in subclause (I), shall promulgate
interim final regulations specifying the forms of documenta-
tion (including tribal documentation, if appropriate) deemed to be satis-
factory documentary evidence of United States
membership or citizenship or nationality of a member of
any such Indian tribe for purposes of satisfy-
ing the requirements of this subsection.

"(III) During the period that begins on the
date of enactment of this clause and ends on
the effective date of the interim final regul-
a tions promulgated under subclause (II), a
document issued by a federally recognized
Indian tribe referred to in subclause (I) ev-
dencing membership or enrollment in, or af-
iliation with, such tribe (such as a tribal en-
rollment card or certificate of degree of In-
 dian blood) accompanied by a signed attesta-
tion that the individual is a citizen of the
United States and a certification by the ap-
propriate officer or agent of the Indian tribe
that the membership or other records main-
tained by the Indian tribe indicate that the
individual was born in the United States is
deemed to be a document described in this
subparagraph for purposes of satisfying the
requirements of this subsection.

"(II) Beginning on page 361, strike line 19 and
all that follows through page 362, line 4, and
insert the following:

"(b) NO COST SHARING FOR INDIANS FUR-
NISHED ITEMS OR SERVICES DIRECTLY BY OR
THROUGH INDIAN HEALTH PROGRAMS.—

"(A) NO ENROLLMENT FEES, PREMIUMS, OR
COPAYMENTS.—

"(i) IN GENERAL.—No enrollment fee,
premium, or similar charge, and no deduc-
tion, copayment, cost sharing, or similar charge
shall be imposed against an Indian who is
enrolled in a contract health program, or a
contract health program, or by a health care provider
through referral under the contract health
service for which payment may be made under
this title.
Senator MURKOWSKI, be set aside and that I just filed on behalf of myself and lowing: that the pending amendment, cleared, which is great news.

I have only recently begun to uncover some of the cases of widespread fraud and abuse. An 82-year-old constituent of mine kept getting $10,000 Medicare payment statements. If you looked at the bills, it appeared this elderly woman had artificial knees, a wheelchair, and suffered from diabetes and AIDS. The truth is, she is completely healthy. She had not called on Medicare, and someone else was using her stolen Medicare number.

Her case is very common in my State and far too many other States where Medicare fraud abuse has been reported.

Hard-working Americans are angered by seeing their tax dollars lost to criminal fraud. My amendment to the Indian health bill will double the jail time, double the penalties, and give judges greater discretion in sentencing those who are guilty of Medicare fraud.

The message needs to be stronger than a slap on the wrist. It has to be hard time.

But tougher penalties are only a first step. There is a larger problem. We need better oversight, more accountable, and fewer dollars in organizations that can’t prove they are doing anything more than a P.O. box. So I call upon my colleagues to join with me in addressing this situation. Help put a stop to the billions and billions of taxpayer dollars in the pockets of criminals each and every year. We owe it to the American people to handle their money with greater care, and I believe we can do this by just cutting wasteful spending and stiffening the penalties that already exist for fraud cases.

There are a number of cases I can point to in my State, and these are just cases that have come to the attention of my office. Maggie of Sunrise talks about a doctor she had never seen billing Medicare for $2,590 worth of services in July of 2006. Leslie of Punta Gorda reported a fraudulent claim filed using his deceased wife’s claim number after her death in March. The claim was filed in April of 2006, and his wife passed away in March of 2005. Where Medicare fraud abuse has been reported.

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The amendment (No. 4034) was rejected.

Mr. DURBIN. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NELSON of Florida. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4036) was rejected.

Mr. DURBIN. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NELSON of Florida. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

Amendment No. 4036

Mr. DURBIN. Madam President, I now ask unanimous consent that we have the regular order on Coburn amendment No. 4036.

The PRESIDING OFFICER. Without objection, the amendment is pending.

Mr. DORGAN. Madam President, if I might, the Senator from Oklahoma is intending to debate and discuss amendment Nos. 4032 and 4036, and requests recorded votes on both. First of all, I appreciate his cooperation. I understand he is prepared to initiate that debate. What I would like to suggest is whatever time he needs for that debate, we could probably, by consent, with the consent of Senator MURKOWSKI, agree to a time for both those votes.

I might ask the Senator, how long would he like to debate both amendments?

Mr. COBURN. Probably, Madam President, I will not use more than 30 minutes and probably less.

Mr. DORGAN, Madam President, would it be satisfactory to the Senator from Oklahoma and Senator MURKOWSKI if we set the two votes on amendment No. 4032 and amendment No. 4036 no later than 4:20?

Mr. COBURN. That is 30 minutes for me and none for you.

Mr. DORGAN. Let's make it 4:30, Madam President.

Mr. COBURN. I do not have any problem with that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, amendment No. 4036 is a real simple amendment. What it says is we are going to prioritize the funds that go into the Indian Health Service. We have had debate all day on whether we are improving Indian health care when we add services but do not add money, and we have not done the structural reforms that need to happen in the Indian Health Service.

We know the Indian Health Service is plagued by rationing on a life-and-death basis. As to the quality of care we are offering in IHS, for some places it is great, but on average it is less than what we offer other people. Instead of fixing the problem with basic medical services, this bill includes new services. We are not funding the services we do now, and the services we are funding are not at the level they need to be in terms of their quality.

This bill expands the burden of IHS to fund things that in terms of priority it is not important. In other words, most have an eligibility avenue with which to get these services through some other Government program. So by supporting this amendment, you are not denying the four new services because they are not already available, just not through the IHS.

This amendment would require funding go to what has already been promised to tribal members before we expand to new promises. In other words, before we add new services, let's make sure we are funding the services we are offering now and that we are funding them at a level of quality that is acceptable.

So this would say IHS would have to prioritize basic medical services before paying for new programs. We have talked a lot about the history on this. We know where our problems are. The chairman is trying to move in a direction to help solve some of the problems.

I disagree that we are making the major steps. I think we have to totally reform IHS. I have said that to the chairman. He knows the structural problems that are there. I think when we promise health care, we ought to give it.

We talked earlier today that one in every four Native American women have a baby without any prenatal care. The average number of visits for those who have prenatal care is half what the national average is. So just in prenatal care, in pediatrics, and diabetes we know we are behind the curve. Yet we are going to add new services in the bill that are already available in other ways.

We also know, as the chairman has said, that we spend half per capita on Native Americans than we do on prisoners. We spend less than half than we...
do on veterans. We spend a third based on what we spend on Medicare. So we are obviously not there, and a lot of it is money. There is no question about it. But it is not all money. It is structural.

Obviously, that is the reason for my opposition to this bill because I think we have an opportunity to go much further to totally change the structure and quality and delivery and to get a lot of the bureaucracy out. I think we also need to add money. We need to do all three.

This amendment is designed to make IHS prioritize the money. So even though we authorize these programs—this does not eliminate the authorization—it just says you cannot effectively do it until you have funded adequately what you are already promising Native Americans.

What this bill will do, in my estimation, is drain resources available to basic core medical services. It is also going to do something else. Our tribes are getting to be pretty good businessmen. What it is going to do is, it is going to put into individual tribes businesses for these services.

So what is going to happen is, these services are going to be part of the tribal organization business complex but not part of the service, and so we are going to transfer funds outside IHS, transfer IHS moneys into tribal organizations with no guarantees that the money that is sent is going to come back into health care. So if we were to do this, what I would rather is these be IHS services only, rather than out for bid to be utilized that may be not at a competitive bid price so we enhance private profitability rather than tribal health care. So there is that other little problem. Again, if we make new promises, at a time when we are not funding the promises we have, we are not helping the Native American population.

This amendment is about priorities. It is not saying IHS cannot fund these new programs. It is just saying we need to focus on basic medical services first, such as prenatal care. When one in four Native Americans do not have prenatal care, and we are going to add long-term home health care, hospice, DME, and some of these other areas, when we are not taking care of the women who walk in and deliver without prenatal care, it does not make sense.

So I will put this amendment up. I am going to ask for the yeas and nays on amendment 4036. I appreciate the consideration of the chairman and his heart toward Native Americans. But a half promise fulfilled is a promise not kept, and that is where we are on health care. Making us prioritize—in some places we will be able to do this; where we have effective, efficient care, they will have the money to offer these services where we are not doing well, they should not be expanding into new services when they are not taking care of the services we have today.

So the flexibility is completely up to the IHS. Nothing limits it other than you have to meet the core basic medical needs first before you go into other areas.

With that, I yield the floor and await the response from my chairman. Then I will talk about the other amendment in a moment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, with the permission of the Senator from Oklahoma, let me ask if he might also discuss his second amendment.

Mr. COBURN. Madam President, I will be happy to.

Mr. DORGAN. Thank you very much.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 4032

Mr. COBURN. Madam President, amendment No. 4032, which the chairman has graciously allowed me to discuss at this time, which I also would like to tell the pending order of business under the regular order, is real simple. We do this in a lot of other places, but we do not do it in IHS.

I ask unanimous consent for that.

The PRESIDING OFFICER. The unanimous consent has been granted.

Mr. COBURN. I thank the Chair.

This is a real straightforward amendment. It says if you are a tribal member, postdat a period of 1 year waiting or taking medicines they should not have to have done this a lot of times. Most of us agree with that. We think it is the right thing to do when somebody is an assailant and we have people at risk, and not putting those Native Americans into a period of a year waiting or taking medications they should not have to take because they do not know the status of the person who committed an assault on them.

So it is very straightforward. I will not spend a lot of time on it. I am not trying to inflame the issue. I think it is something Native Americans ought to have that every other American today has.

I yield back and intend to ask for the yeas and nays at the appropriate time.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota.

Mr. DORGAN. Madam President, let me talk for a moment about amendment No. 4032, the HIV mandatory testing issue. I support that, I think, at the request of the victim, I think that is a thoughtful amendment and would have accepted it. I understand the Senator wishes a recorded vote. I understand why that is the case. But I do think it is an amendment that has a lot of merit.

AMENDMENT NO. 4036

With respect to the other amendment, No. 4036, I understand what the Senator is trying to do. I am going to oppose the amendment and vote against the amendment. He is talking about using the funds for essential medical services. Yes, I am all in favor of that. But let me also say that the issue of hospice care and some long-term care issues we have added to this bill, if you visit a hospice care setting, it is pretty hard to take a look at what hospice care is offering dying patients and suggest that is not essential as well.

That is a wonderful health care option that is available to many in this country. What we do in the Indian Health Care Improvement Act is to expand some services. That is correct. The Senator and I talked a little bit about that this morning. But they are in most cases services that many other Americans have available to them that we would hope and expect would be made available to American Indians as well. My colleague and I both described this morning our interest in adequately funding Indian health care. He said—and I agree, and I said earlier—that about 60 percent of Indian health care is delivered to American Indians, and 40 percent is withheld. That means you have full-scale health care rationing going on. It should be front-page, scandalous headlines in this country. It ought to be trumpeting the news in this country. But it is not. There is a giant sleep going on about what is happening to people out there who are living in the shadows, desperately poor, in many cases an hour, an hour and a half, 2 hours away from the nearest large-scale health care clinic, so their opportunity to get health care is through the Indian Health Service, and we are trying very hard to improve that.

But I understand the purpose of the amendment offered by the Senator. I would hope, however, when we finish doing what he said he is going to do, and what I said I am going to do, and when we talk about what we are really going to fund this year, that we will have sufficient funds; A, that we will have as the pending order of business under the regular order, is real simple. We do this in a lot of other places, but we do not do it in IHS.

I ask unanimous consent for that.

The PRESIDING OFFICER. The unanimous consent has been granted.

Mr. COBURN. I thank the Chair.

This is a real straightforward amendment. It says if you are a tribal member, postdate a period of a year waiting or taking medicines they should not have to take because they do not know the status of the person who committed an assault on them.

So it is very straightforward. I will not spend a lot of time on it. I am not trying to inflame the issue. I think it is something Native Americans ought to have that every other American today has.

I yield back and intend to ask for the yeas and nays at the appropriate time.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota.

Mr. DORGAN. Madam President, will the Senator from North Dakota yield?

Mr. DORGAN. I am happy to yield.

Mr. COBURN. Madam President, through the Chair, would the chairman agree a large portion of people who are eligible for Indian health care services available to them through another Federal Government program.

Mr. DORGAN. A large portion? I don't know that I would agree with that. I don't believe I would at all.

Mr. COBURN. The reason of them are Medicaid eligible. As a matter of fact, 27 percent of the funds that go into IHS are people from Medicaid. If they are Medicaid eligible, then they
The point I have been trying to make most of today is when you have 40 percent of the health care needs unmet, we are in a desperate situation. We need to fix that.

The Senator from Oklahoma has talked about before, and I am very anxious, when we get this bill done—we will get it out of the Senate, we will get it to conference, and hopefully get it signed into law by the President. We will, for the first time in our history, make a substantial improvement in Indian health care. I am very anxious to turn immediately—and the Senator serves on our committee—to work with him and Senator Murkowski from Alaska to say: All right, now, let’s put this on a different course with a much bolder, a much bigger bite, to try to figure out how we dramatically improve health care. That would not be done unless we have substantial additional income as well. But income is not going to solve the problem by itself. It is really going to help us out.

It is interesting. When the Senator talked earlier today about giving American Indians the opportunity to go someplace with a card and say: Here is my health care coverage—I am in favor of that, and the very word could not do much good for somebody who is sick and is living, for example, in Fort Yates, ND, because the only option they have is to go to that Indian Health Service or they can get in the urban area. There are two ways to find a hospital someplace. So we need to address these issues.

I want the Indian Health Service to be better, to be more effective, to provide better health care for American Indians, and I want to reform the entire system to see if we can establish competition where competition will work. I know Senator Coburn will readily agree there are places in the country where you can’t even talk about competition because you are living way out, way away from any other facilities, and all that exists is the Indian health care facility.

If I might make one additional point I understand why—I quoted Chief Joseph this morning. I understand why American Indians are a little skeptical. They have been lied to, cheated. They have had their agreements in writing, and they haven’t been worth the paper on which they are written. It is pretty unbelievable, by the way, is living out there in the wilderness. We have all seen this, the promises that were made but never, ever kept. The purpose of today and the purpose of our work is to say: You know what. These were the first Americans and we have certain obligations to them and we must do a better job of meeting those obligations.

So I don’t know that I was particularly responsive to the Senator from Oklahoma, but both of us want the same thing, we end up wanting exactly the same goals out of this debate. And my hope is, working together during the next couple of years we will take two steps, both in the right direction and both in a constructive way to help American Indians.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Madam President, I just want a few more minutes and then I want to conclude.

The Senator from North Dakota makes a great point: that there are people who are using reservation-based IHS facilities who are essentially trapped. They are trapped. They don’t have the option to go somewhere else. That what this bill does—and in many of those instances, the core medical needs are not being met. What this bill does is makes sure the core medical needs are going to be met because we are going to add four new services for those people. So now they are trapped in a system that doesn’t deliver the quality, doesn’t deliver the service, and doesn’t deliver the prevention, we are going to make it worse. We are going to make it worse because we are going to add those services that are going to be paid to half of the Native American population right now through another Government program, and we are going to dilute the resources for the very people who are trapped on reservations.

I estimate that three-quarters of Native Americans are in an urban area. They are not limited to that. They are not limited at all. They should have had the choice to be able to go wherever they wanted to go to get those services that are available to half of the Native American population right now through another Government program, and we are going to dilute the resources for the very people who are trapped on reservations.

I would estimate that 75 percent of the urban Native Americans are in an urban area. They are not limited to that. They are not limited at all. They should have had the choice to be able to go wherever they wanted to go to get those services that are available to half of the Native American population right now through another Government program, and we are going to dilute the resources for the very people who are trapped on reservations.

The Senator from Oklahoma is recognized.

Mr. DORGAN. Do you know why in many cases the urban Indians are a population that is exclusive? Because we went through a period of time when we did these zigzags. At one point in this country we said to the Indian community: You know what. Yes, you are entitled to health care. Here is a one-way bus ticket. We want you to leave. So we sent them to the cities. Now we promised them health care back on the reservation. Now we say: You have a bus ticket one way. Go to the city. In fact, the budget request this year once again says: By the way, we don’t intend to fund any—we don’t intend to fund any health care for urban Indians. Well, we should, and I think we will say to the President that we don’t agree with that recommendation. But we have done a lot of these egregious things in this country, even with respect to preventing Indians the right to vote for the majority of the history of this country. They didn’t
get the right to vote until about 90 years ago or so.

Mr. COBURN. Madam President, I would like to reclaim my time, if I might.

Mr. ORGAN. Yes, of course.

Mr. COBURN. Madam President, I want to make a couple of points because what we have heard is a lot of negative today. I want to say how proud I am of the Cherokees, the Chickasaw, the Choctaw, and the Creek in Oklahoma. I totally disagree with gaming. I think it undermines virtue. I think it is destroying a lot of society. But several of the tribes in my State have invested their dollars—not IHS dollars, their dollars—in health care, and they need to be recognized. Their facilities, most oftentimes, are fantastic, and their care is fantastic. So I don’t want us to leave the debate without recognizing some of the vast improvements that where we have failed, the tribes have actually picked it up and supplied it, and that means shame on us because maybe there wouldn’t be as much gaming if we were fulfilling the needs. Gaming is not without its societal consequences, regardless of how much we benefit in terms of dollars that go to the Treasury.

So I didn’t want us to leave this without recognizing that we have lots of great performance in lots of great areas. We also have lots of great providers of doctors and other health IHS but we have some who aren’t. We also have some who couldn’t get a job anywhere else, some whom nobody else would hire. Yet we will hire them because we are so short, both on funds and needs. That ought not to be there same in our prisons and the same in other areas.

So this is my hope we will look straight forward. It is hard to run against your own chairman on amendments on a bill, and we intentionally did not put up these amendments at the request of the chairman when we were doing the markup on the Indian health care bill. Again, I will state in finality, and then sit down. These “improvements” in many areas will offer some improvements but in many more areas will take away from core medical care that is offered to people who aren’t getting adequate care today. So it ought to be flexible. It ought to be where the core medical needs are met, we are offering these, and whether or not we shouldn’t be offering them because what we are doing is, we are taking that lady who is going to be on dialysis, and we could have prevented it because we are not doing the core medical things and we are looking at the wrong thing. We are taking a gal who has early diabetic neuropathy and we are giving her to do dialysis or a kidney transplant, and most of them would not get kidney transplants. They are going to get hooked up to a machine for 8 hours a day because we are—but we are going to feel good about ourselves saying we now have hospice and long-term care, and all of these other things.

I think it is a mistake the way we have maintained opposition to the bill. I think we have an opportunity to rigorously and tremendously change the structure, the delivery of care. We have an opportunity to change the paradigm under which we treat Native Americans, to treat Native Americans, to prevent. We have talked about suicide on all of the reservations. The chairman and many have been concerned about prevention of that. But we ought to be just as concerned about prevention of all of the other diseases and change the paradigm under which IHS works instead of more of the same.

So with that, I ask for the yeas and nays.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOUCHAR). Without objection, the Senator may seek the yeas and nays on both amendments with one show of hands.

Is there a sufficient second? There appears to be a sufficient second. There is a sufficient second.

Mr. ORGAN. Madam President, I ask unanimous consent that when we do vote at 4:30, we vote on amendment No. 4036 first and amendment No. 4032 second, and that there be 2 minutes between the votes, a minute on each side, and that there be no intervening second-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NO. 4079, 4080, 4081, AND 4082 TO AMENDMENT NO. 3999, AND AMENDMENT NO. 411

Ms. MURKOWSKI. Madam President, I ask unanimous consent that the pending amendments be set aside, and I call up these for amendments on behalf of Mr. VITTER. The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendments, en bloc.

The legislative clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI], for Mr. DEMINT, proposes amendments Nos. 4079, 4080, 4081, and 4082 to amendment No. 3999, and amendment No. 411.

SEC. 1. ELIGIBILITY CRITERIA.

This Act and the amendments made by this Act shall not apply to any Indian tribe carrying out any class III gaming activity (as defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

AMENDMENT NO. 4066

On page 207, strike lines 4 and 5 and insert the following:

AMENDMENT NO. 4068

On page 294, strike lines 11 through 15 and insert the following:

AMENDMENT NO. 4045

(Purpose: To authorize the Secretary of Health and Human Services to establish an Indian health savings account demonstration project)

On page ... between lines ... and insert the following (at the end of title VIII of the Indian Health Care Improvement Act, as amended by section 101(a) the following):

SEC. 818. INDIAN HEALTH SAVINGS ACCOUNT DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Secretary shall establish a demonstration project under which eligible participants shall be provided with a subsidy to purchase a high deductible health plan (as defined under section 223(c)(2) of the Internal Revenue Code of 1986) and a contribution to a high deductible health savings account (as defined in section 223(d) of such Code) in order to—

(1) improve Indian access to high quality health care services;

(2) provide incentives to Indian patients to seek preventive medical care services;

(3) create Indian patient awareness regarding the high cost of medical care; and

(4) encourage appropriate use of health care services by Indians.

(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 eligible according to (as defined in section 223(c)(1) of the Internal Revenue Code of 1986); 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 from 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 this section for additional 12-month periods.

(C) 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.

(D) SUBSIDY AMOUNT.—The amount of a subsidy provided to an eligible participant for a 12-month period shall not exceed the amount equal to the average per capita expenditure for an Indian obtaining items or services from any Indian Health Program for the most recent fiscal year. The data is available with respect to the same population category as the eligible participant.

(E) SPECIAL RULES.—

(1) NO DEDUCTION ALLOWED FOR SUBSIDY.—For purposes of determining the amount allowable as a deduction with respect to amounts contributed to an savings account by an eligible participant under section 223 of the Internal Revenue Code of 1986,
the limitation which would (but for this paragraph) apply under section 223(b) of such Code to such participant for any taxable year shall be reduced (but not below zero) by the amount provided to such participant under this section for such taxable year.

(2) TREATMENT.—The amount of a subsidy provided to a participant under this section shall be treated as income to the participant and shall be included in his or her gross income for Federal, State, and local income tax purposes.

(3) BUDGET NEUTRALITY.—In conducting the demonstration project under this section, the Secretary shall ensure that the aggregate cost of 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; GAO EVALUATION AND REPORT.—

"(1) DEMONSTRATION PERIOD.—The demonstration project established under this section shall begin on January 1, 2007, 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 other criteria that the Secretary may specify.

"(2) PERIODIC REPORTS TO CONGRESS.—During the period described in paragraph (1), the Secretary shall periodically submit to Congress reports regarding the success of the demonstration project conducted under this section. Each report shall include information concerning the populations participating in the project and the impact of the project on access to, and the availability of, high quality health care services for Indians.

"(3) GAO EVALUATION AND REPORT.—

"(A) EVALUATION.—The Comptroller General of the United States shall enter into a contract with an organization with expertise in health economics, health insurance markets, and actuarial science for the purpose of conducting a comprehensive study regarding the effectiveness and cost-effectiveness of the demonstration project and health savings accounts in the Indian community.

"(B) REPORT.—Not later than January 1, 2013, the Comptroller General shall submit to Congress a report on the evaluation of the demonstration project conducted under this section.

Ms. MURKOWSKI. Madam President, if I may take a few moments to speak to some of the things that Senator from Oklahoma has raised about the prioritization, giving priority to the provision of those basic medical services, medical needs.

I think we all agree that is the first requisite to make sure those services are provided for. In the State of Alaska, we hear from those most vulnerable in our Alaska Native population, our elderly—the elders in the village who have lived through some pretty incredible times. At the end of their lives, they are certainly seeking basic medical services. Yet we recognize that with the facilities we have available to them, the medical professionals we have available to them, it is very difficult to meet all of those needs. So for them, the opportunity for hospice care, assisted living service, long-term care service, the home or community-based service—that is singular out in the amendment. They are looking at this not as a luxury, or an add-on, certainly, but something that is basic, something that would be fundamental to a quality of life in their final years.

This is a matter for many seniors, not just in the State of Alaska, and for many who are looking to, again, provide for those services at a level and in a manner that is culturally relevant and appropriate—the community-based services, home-based services. I think it is important that we recognize we are not without limitation when we are talking about the services that are provided to American Indians and Alaska Natives. You have heard the Chairman of the Senate Indian Affairs Committee again on the Senate floor that we are not meeting their needs; that we are funding at 60 percent; that there is a curtailment or a shortage in services based on the resources. So when we are talking about the quality of life, whether it is through assistance, such as long-term care services or assisted living or the community-based services, or whether it is enhancing the end-of-life care, as we do throughout the country. Congress, the Senate, the House passed its bill almost as long ago as the Senate in January, and at that time, the intelligence community said it was not workable, that the Rockefeller-Bond proposal passed overwhelmingly 2 days ago was the only thing that was workable; and the fact that the House says they don’t have time to work on it ignores the fact that they have known for a couple of months that they were going to have to make significant revisions in their measure if they wanted it to be passed by the 15th of December. And if they are looking at that, I think it is important that we work on it.

Mr. BOND. Madam President, I will take a minute to update my colleagues on some information we received from the Director of National Intelligence in an open hearing that is going on in Hart 216 right now. I thought it was important to clarify some points that he made in response to some very important questions raised by Chairman Rockefeller.

Chairman Rockefeller asked what would happen if FISA expires—as it does on February 15—without being renewed. He asked, could these collections not continue? There is a very important “yes, but”—for acquisitions that have been ordered by the FISA Court which have years in length. It is possible that those could continue. But the major problem the Director sees and the attorneys with him see is that if they needed to change targets, if they needed to change methods, if they needed to change means by which they gathered the information, they would not be able to do so.

Furthermore, he highlighted a very real problem having to do with the private sector. As we have said on the floor before, the private sector carriers are absolutely essential to the operation, not only of FISA, foreign intelligence surveillance, but for work with the FBI and others on criminal matters. The fact that we have left the telecom carriers, that are alleged to have participated in the President’s lawful terror surveillance program without liability protection, are being advised by their general counsel of their responsibility under Sarbanes-Oxley, and others, that they could only continue with a court order. Sarbanes-Oxley. Since there is no authority for additional court orders, they have a grave question as to whether they are risking not only their firm’s reputation but under Sarbanes-Oxley certain duties to shareholders. That is why he felt it was necessary to get this measure that has passed the Senate implemented by the House.

I also noted in my comments that the House passed its bill almost as long ago as the Senate did in January. At that time, the intelligence community said it was not workable, that the Rockefeller-Bond proposal that passed overwhelmingly 2 days ago was the only thing that was workable; and the fact that the House says they don’t have time to work on it ignores the fact that they have known for a couple of months that they were going to have to make significant revisions in their measure if they wanted it to be passed by the 15th of December. And if they are looking at that, I think it is important that we work on it.

One other thing. I asked the Director about some of the very misdirected, improper, wrong and, in some instances, irresponsible suggestions made on the floor about the tactics that the CIA may use in questioning high-value detainees. The DNI made it clear, as I attempted to make clear yesterday, all of the things banned by the Army Field Manual, such as burning, electrocuting, beating, sexual harassment—all
those things are not only repugnant but they are not permitted to be used by any of our intelligence agencies. He reiterated that waterboarding is not permitted under the political guidelines that include legislation and that we have passed here in direct opposition.

So what was done yesterday does not prevent torture. That is prevented already. It doesn’t prevent cruel, degrading, and inhumane interrogation techniques. It does not prevent other cruel, degrading or the acts by the intelligence agencies. Those are already prohibited.

What the measure that was passed yesterday does—were it to be signed into law—certainly only hope it will not be—would be to deny the intelligence community the ability to use techniques that are similar to but different from the techniques authorized in the Army Field Manual. These enhanced techniques have been used only on roughly a couple of dozen detainees in the custody of the CIA. They are lawful, and they have produced some of the most important intelligence that the intelligence community has gathered from high-level members of al-Qaida and other terrorist organizations, and to interfere, impede, and stop terror attacks directed not only at our troops abroad, our allies, but the United States.

Unfortunately, some people were misled by comments that were bordering on irresponsible on the floor yesterday, to say that we banded together, cruel, inhumane, and degrading conduct. That is not what happened. We tied the hands of the CIA with the purported provision that would severely limit their ability to gain information using totally lawful techniques in questioning high-value detainees. Rather than being a blow for freedom, reaffirming our values, it merely proposed to cripple our intelligence collection.

I thank the Chair and yield the floor to the PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. CORNYN. Madam President, I commend the ranking member and chairman of the Select Committee on Intelligence for the outstanding work they have done on this critical piece of legislation, passing it in the Intelligence Committee by a vote of 13 to 2, which was no easy feat. This passed in the Senate by a strong bipartisan vote of 68 to 29, I believe. It is about as strong a vote as you can possibly get. This is a well-thought-out piece of legislation that, once sent over to the House of Representatives, we were told the House of Representatives, rather than to deal with this legislation, would simply decide to fold their tent and go home. That is the height of irresponsibility.

The Senator from Missouri described why it is so important for us to be able to listen to our enemies: because, simply, it saves American lives. We learned a harsh lesson on September 11, 2001, which is that we are not safe even within our own shores.

There are those who believe in a radical ideology that celebrates the murder of innocent men, women, and children, and who are willing to use instruments of destruction, whether they be primitive tools such as flying an airplane into a building, or chemical, biological, or nuclear weapons whatever they can get—to kill innocent civilians. We have to do everything in our power to protect ourselves. Thank goodness, due to the noble work of our men and women in uniform who are fighting in places such as Afghanistan, Iraq, and elsewhere around the world, we are keeping the enemies of the United States on the run.

The best way we can deter these terrorists attacks is to listen in on conversations and communications. That is the only way we are going to be able to continue to do it. For the House of Representatives to know that they are causing our intelligence community to go deaf to the communications of terrorists who are plotting attacks against the United States is the height of irresponsibility. I hope it is not true and that they reconsider.

My hope is they will come back and they will pass this important legislation that will encourage our tele-communications industry to cooperate with the lawful requests of the Commander in Chief as certified by the chief law enforcement officer of the United States, and that is the Attorney General, so we can continue to listen to these communications in a lawful and legal way and protect the American people. For the House of Representatives to refuse to take up this matter and to vote on it is, again, I say, the height of irresponsibility, and it endangers American lives.

I yield the floor.

AMENDMENT NO. 4036

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4036.

The yeas and nays have been ordered.

The assistant legislative clerk called the roll.
Inhofe  McConnell  Smith  
Isakson  Menendez  Snowe  
Johnson  Mikulski  Specter  
Kennedy  Mica  Stabenow  
Kerry  Murray  Stevens  
Klobuchar  Nelson (FL)  Sununu  
Kohl  Nelson (WI)  Tester  
Kyl  Poyner  Thune  
Lieberman  Reid  Vitter  
Lautenberg  Risch  Voinovich  
Leahy  Roberts  Warner  
Levin  Alexander  Webb  
Lieberman  Salasar  Whitehouse  
Lincoln  Sanders  Wyden  
Lugar  Schmier  Wyden  
Martinez  Sessions  Wyden  
McCaskill  Shelby  
Berman  6  
Boozman  Graham  McCain  
Clinton  Inouye  Obama  

The amendment (No. 4092) was agreed to.

The PRESIDING OFFICER, The Republican leader.

FISA

Mr. MCCONNELL. Mr. President, we have a serious crisis confronting our country as penultimate testimony of the House Representatives' refusal to take up the Senate-passed Foreign Intelligence Surveillance Act. We know for a fact the following: We know that the Senate approved yesterday, with 69 votes, a Foreign Intelligence Surveillance Act crafted by House Republicans, Rockefeller and Senator Bond that came out of the Intelligence Committee 12 to 2. This is about as bipartisan as it ever gets around here. We know in addition this bill is the only bill that can pass the House of Representatives. They took it up yesterday 21-day extension of existing law, and it was defeated. It was defeated because there were 25 to 25 House Democrats who didn't want the bill at all, want it to die, want to walk away from it and leave the American people unprotected.

In fact, there is a bipartisan majority for the Senate-passed bill in the House, and that is the only bill for which there is a bipartisan majority in the House. Now we have all learned that the House of Representatives is going to close up shop and simply leave town, arguing that somehow allowing this law to expire will not harm America.

We know that at the heart of this struggle is retroactive liability for communications companies that stepped up, in the wake of the 9/11 disaster, at the request of the Government, to help protect us from terrorism. As a result, there are numerous lawsuits against these companies. I assume largely by the American Civil Liberties Union. The CEOs and the boards of directors of these companies have a fiduciary responsibility to their shareholders. These lawsuits have the potential to put them out of business. It is not solved by continuation of existing law.

In addition, with the law expiring, it hampers opportunities prospectively in the future to surveil new terrorist targets overseas. So the notion that somehow no harm is done by allowing the law to expire is simply incorrect. In fact, it borders on outrageous.

This was going to be another example of bipartisanship on behalf of the American people. We saw it at the end of the year last year when we passed a bipartisan AMT fix without raising taxes on anybody else. We passed an energy bill without a tax increase and without a rate increase. We met the President's top line on the appropriations bills. And, yes, we appropriated $70 billion for Iraq and Afghanistan without any kind of micro-management. At the beginning of this year, we came together. It was a challenge in the Senate, but we came together and passed a bipartisan stimulus bill to try to deal with our slowing economy. We did it in record time. In fact, the President had a signing ceremony 2 days ago.

I am wondering why this new bipartisan spirit we experienced in December and again in January is breaking down on a matter that is extraordinarily important to protecting the American people. It is absolutely irresponsible for the House of Representatives to simply throw up its hands and leave, particularly when the only measure that enjoys a bipartisan majority in the House is exactly what enjoyed a bipartisan majority in the Senate. It is clear that or is the House leadership to take it out, pass the only bill that could possibly pass is an act of extraordinary irresponsibility. Nothing else would pass over there.

I don't know why the House is even thinking about leaving town. They have an important responsibility to help protect the American people. The opportunity is right before them, and they are not taking it.

Mr. CORNYN. Will the Senate yield for a question?

Mr. MCCONNELL. I am happy to yield the Senator from Texas for a question.

Mr. CORNYN. I ask the distinguished Republican leader whether the voluntary cooperation of the telecommunications companies that have cooperated at the request of the Government and upon certification by the Attorney General, on behalf of the Government of the country, the Attorney General, is in jeopardy, if we merely continue the current law as opposed to passing the bipartisan Senate bill? And if that is the case, doesn't that just as effectively deny us access to terrorist communications as if we did not pass the law itself?

Mr. MCCONNELL. My understanding is the question suggests the answer. The leadership of these companies has indeed a Hobson's choice, two bad alternatives. They either continue to respond to the request of the American Government to protect the homeland and then run the risk of squandering all the assets of their companies and, thereby, generating a lot of shareholder lawsuits against the directors for violating their fiduciary responsibility. It is a terrible position to be put in. They are entitled to be able to cooperate with the request of our Government and not endanger all the assets of their companies.

Mr. LEAHY. Will the Senate yield for another question?

Mr. MCCONNELL. I yield to my friend from Texas.

Mr. CORNYN. Mr. President, I would like to ask the distinguished Republican leader if, in fact, because of the burden of these lawsuits, some 40 different lawsuits against any telecommunications companies that may have participated, if, in fact, they chose not to participate in this program, is there any other option available to the intelligence authorities to listen in on communications between terrorists who are bent on wreaking havoc, death, and destruction on the American people? Is there anywhere else to go?

Mr. MCCONNELL. I don't think so, Mr. President. This is the only solution to the problem. What is tragic, we know as a result of a letter from the so-called blue dog Democrats, the more conservative Democrats in the House, to Speaker Pelosi for sure that there is a bipartisan majority in the House for passing the bill the Senate passed. This is what the blue dog Democrats had to say to the Speaker.

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.

That, of course, will be Saturday. We are referring to the blue dog Democrats—fully support the Rockefeller-Bond FISA legislation, should it reach the House floor without substantial change. We believe these companies will ensure a strong national security apparatus that can thwart terrorism across the globe and save American lives in our country.

The blue dog Democrats, coupled with House Republicans, make it absolutely certain there is a bipartisan majority for our bill in the House.

Further, the consequences of not passing such a measure could place our national security and economic risk.

This is 21 blue dog Democrats in the House requesting the Speaker to take up the bill that passed the Senate with 69 votes, obviously an overwhelmingly bipartisan vote, pass it and send it to the President for signature. This refusal to act is stunning, almost incomprehensible.

Mr. CORNYN. Will the Senate yield for one final question?

Mr. MCCONNELL. I will.

Mr. CORNYN. The distinguished Republican leader is aware that the House of Representatives only recently had widely publicized hearings into the use of steroids...
Mr. KYL. If the Senator will continue to yield, my recollection of the words of Admiral McConnell, Director of National Intelligence, is that—and I ask the leader to verify if I recall this correctly; I think I am recalling it correctly—it doesn’t matter whether the Protect America Act expires or does not expire or is simply reauthorized in its exiting form; the reality is, unless a new law is passed that contains the retroactive liability protection feature, it will become or is becoming increasingly difficult for the telecommunications companies to provide the service the U.S. Government needs them to provide to acquire this intelligence.

I wish to make sure I am not misstating this, that it is increasingly difficult for these telecommunications companies to provide the service our Government needs to collect this intelligence.

Mr. MCCONNELL. My understanding is, the Senator from Arizona is correct. It is the case that these public, spirited corporate leaders do not want to help prevent terrorist attacks. It is that the exposure to their companies as a result of these lawsuits runs the risk of destroying the company and then opening them up to shareholders’ suits for responsible actions or violations of their fiduciary responsibilities to their shareholders.

They are in an impossible position. We have, in effect, put them in an impossible position by failing to provide for a retroactive immunity from liability they clearly deserve. These were public, spirited Americans responding to a request from the Government to help protect us at home. What they got for it was a couple of scores of lawsuits.

Mr. KYL. I thank the leader.

Mr. REID addressed the Chair.

Mr. KYL. Mr. President, I still have the floor.

Mr. REID. I agree about that.

Mr. MCCONNELL. But I will be happy to yield.

Mr. REID. I did not want to interrupt the distinguished Republican leader. Have you finished?

Mr. MCCONNELL. I will be happy to yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The majority leader is recognized.

Mr. LEAHY. Mr. President, will the distinguished majority leader yield for a question from me?

Mr. REID. Sure.

Mr. LEAHY. Mr. President, I tried to get the distinguished Republican leader to yield, but he was unwilling.

Let me ask the distinguished majority leader, is it not a fact that these public, spirited telephone company owners are threatening to turn off wiretaps, according to the press accounts, that have been legally ordered through search warrants because the U.S. companies failed to them millions of dollars, and does not pay them the millions of dollars? I just wonder if any of the legislation we are talking about might be mandating our own Government to pay the bills for the wiretaps.

I ask that only because it seems this public spiritedness goes one way if they want to be immunized or the administration wants to be immunized from actually answering the questions, but it goes a different way if it comes down to the question of getting paid.

Mr. REID. My understanding is, there are millions of dollars owed to the telephone companies, Mr. President.

Mr. LEAHY. Thank you, Mr. President.

Mr. REID. Mr. President, my friend from Texas talked about a publicity stunt. That is what we have, but it is inverse. The publicity stunt is all from the White House, supported by the people in the Senate, the Republicans, who always walk lockstep with whatever President Bush wants.

First of all, Mr. President, legal scholars are almost uniform in saying that judicial order is enough and they would be broad enough for the next year. Whatever is happening now is good for next year. In fact, if some one disagrees with that, you have existing FISA law that allows application for emergency.

Mr. President, let me say this: I sent to the President of the United States today a letter. Let me read this:

Dear Mr. President:

I regret your reckless attempt to manufacture a crisis over the reauthorization of foreign surveillance laws. Instead of needlessly frightening the country, you should work with Congress in a calm, constructive way to provide our intelligence professionals with all needed tools while respecting the privacy of law-abiding Americans.

Both the House and the Senate have passed bills to reauthorize and improve the Protect America Act. Democrats stand ready to negotiate with Republicans to resolve the differences between the House and Senate bills. That is how the legislative process works. Your unrealistic demand that the House simply acquiesce in the Senate version is preventing that negotiation from moving forward.

Our bicameral system of government was designed to ensure broad bipartisan consensus for important laws. A FISA bill negotiated between the House and the Senate would have firmer support in Congress and among the American people, which would serve the intelligence community’s interest in creating stronger legal certainty for surveillance activities.

That negotiation should take place immediately. In the meantime, we should extend the current Protect America Act. Earlier this week you threatened to veto an extension, and at your behest Senate Republicans have blocked such a bill. Yesterdays every House Republican voted against an extension.

So it is obvious the marching orders have come from the White House. That was a paraphrase from me. That was not in the letter. I am quoting letter: Your opposition to an extension is inexplicable. Just last week, Director of National Intelligence McConnell and Attorney General Mukasey wrote to Congress that ‘it is clear that the current authorization in the Protect America Act not be allowed to expire.”
In commentary, Mr. President, I say this is from the head of the National Intelligence Agency, Director McConnell, and General Mukasey, our Attorney General. They said:

[It] is critical that the authorities contained in the Protect America Act not be allowed to expire.

Similarly, House Minority Leader Boehner has said “allowing the Protect America Act to expire would undermine our national security and endanger American lives, and that is unacceptable.” And you yourself said at the White House today—

“That is today, Thursday—

“There is really no excuse for letting this critical legislation expire,” I agree.

What you did today, Mr. President, is not responding to the many concerns of the American people. And I have been discussing with you the many concerns of your own Senate Republicans.

In sum, there is no crisis that should lead you to cancel your trip to Africa. But whether or not you cancel your trip, Democrats stand ready to negotiate a final bill, and we remain willing to extend existing law for as short a time or as long a time as is needed to complete work on such a bill.

I signed that “Harry Reid.”

Mr. President, the President has created a crisis. As I have said on the Senate floor, during the past 7 years he has devoted the right to object, there is no need for a conference when you have an overwhelming bipartisan majority of the Senate in favor of the bill and a bipartisan majority of the House in favor of the same bill that the Senate has already passed. There is no need to go to conference because we know where the majority of the Senate is and we know where the majority of the House is. Why would we want to have a conference when the Senate has already passed the bill, the Rockefeller-Bond bill, is supported by a bipartisan majority in the House? Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. Mr. President, if you object when the majority leader asks for a conference, the House agrees to the request, the Senate insists on its amendment, request a conference with the House on the disagreeing votes of the two houses, and the Chair be authorized to appoint conference committees on the conference, with no intervening action or debate.

Is it my understanding the first request was objected to. Is that right?

The PRESIDING OFFICER. There was objection. Objection was heard.

Mr. MCCONNELL. Mr. President, reserving the right to object, there is no need for a conference when you have an overwhelming bipartisan majority of the Senate in favor of the bill and a bipartisan majority of the House in favor of the same bill that the Senate has already passed. There is no need to go to conference because we know where the majority of the Senate is and we know where the majority of the House is. Why would we want to have a conference when the Senate has already passed the bill, the Rockefeller-Bond bill, is supported by a bipartisan majority in the House? Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The majority whip.

Mr. DURBIN. Mr. President, what we are witnessing is not a crisis in security. It is a crisis in logic. How can the Republican leader stand here and argue how endangered America would be if we allowed this law to expire and then object to extending the law? How can the minority leader, Senator MCCONNELL, stand here and argue that we should emphasize legislation and then object when the majority leader asks for a conference committee?

This is not a crisis in security. It is a crisis in logic. This is a manufactured political crisis by the White House and the Republican leaders. If the Republican leader was so focused on giving this power to the President, he could have said, “I do not object,” when the majority leader asked for a 15-day extension.

But, yes, they want a press release. They want something to put in front of the American people to take their minds off the state of our economy, to take their minds off the fact that we are just, unfortunately, a few lives away from losing 4,000 soldiers in this war in Iraq. They want to manufacture a security crisis.

The Senator from Kentucky should know—and I am sure he has able staff there—we know that if they had extended the law, the current law would not have expired.

Similarly, the extension with the confidentiality provision that the Senate approved yesterday would prevent surveillance of Americans, and contrary to what we have heard from the White House, we know that if the FISA law had been extended, it would have happened.

If the Republican minority leader, Senator MCCONNELL, had not objected just moments ago to the unanimous consent request of Senator REID, the Democratic leader, this law would have been extended.

It is obvious to those following the debate, the crisis is in the logic on the Republican side. You cannot have it both ways. You cannot complain that the law is going to expire, and then object to an extension. It does not work that way. Even at the University of Louisville, it does not work that way. Their philosophy department would tell you that does not track, it does not follow.

So I would urge the Senate from Kentucky, if you really are concerned about whether this bill is needed, please reconsider your objection to extending this law, as Senator REID has asked repeatedly. I think the American people know what is going on here. This is not about security. This is about political cover. This is about manufacturing a political argument and manufacturing a crisis—a crisis of the White House’s own creation. The President and his party bear full responsibility if any intelligence gaps result.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Now, Mr. President, facts are a stubborn thing—a very stubborn thing—and I am sure the Democrat leadership over in the House appreciates the efforts being made by the majority leader and the majority whip to protect them from the obvious. The obvious is—and they know this even at the University of Illinois—that the majority of the Senate has spoken. That is the overwhelming majority of the Senate, not just on final passage which was 68 to 29, and cloture, which was 69 to 29, but also the Feingold amendment.
The status quo is not acceptable. Not only that, but we know for a fact that the continuation of the status quo hampers the ability to go up on new targets prospectively, so we not only have a deteriorating situation in terms of continued cooperation on the same companies—not because they are not public-spirited citizens, not because they don’t want to help America, but because they run the risk of squandering all the assets of their companies and enhancing the ability and actions that might occur by terrorists.

So the status quo is clearly not acceptable, I say to my friend from Texas. I think his question suggests the answer.

This is a very serious matter and I regret that we are where we are. We had gotten off, I thought, to a pretty good bipartisan start this year. I had hoped—and frankly expected—that we would be having another signing ceremony at the White House on the Rockefeller-Bond bill in the next few days and we could breathe easy that we had done our job and had protected the American people to the maximum extent possible for the foreseeable future. I yield to the Senator from Texas. I think his question suggests the answer.

Mr. REID. Mr. President, facts are stubborn. The facts are that within the last few days, we published communication from the Attorney General of the United States and the man who is the Director of National Intelligence saying: “It is critical the authorities contained in the Protect America Act not be allowed to expire.” That is a fact. That was followed up with a statement by the House minority leader who said: “Allowing the Protect America Act to expire would undermine our national security and endanger American lives, and that is unacceptable.” The President of the United States said: “There is really no excuse for letting this critical legislation expire.” Those are the facts. When we ask to accomplish what they want, there is an objection.

It is very clear, this is not an effort by the White House to protect the American people, it is an effort to protect the phone companies. It is not the American people.

We have heard from the Attorney General, said from the Director of National Intelligence, minority leader of the House, and the President of the United States. We agreed to do what they want to do to try to extend. The Republicans were given the orders not to do what they wanted. Those are the facts.

Now another issue that is very important: The majority in the House of Representatives and the majority in the Senate have both spoken. A basic premise of this Government is that we have a bicameral legislature. We have the House and the Senate. In November, the House passed by a majority what they thought should happen in the way of extending this. We, a few days ago, decided what we thought we should do. It is elementary that after that happens, there must be a conference. They won’t let us go to conference—they’re meaning the President. So a majority of the House voted in November for a different bill. That is why we need a negotiation. That is why we need a conference. That is how a bill becomes law. That is the way it is. That is the law we have already decided that fact. Clearly, if we were arguing this case to a jury—and I think probably as well the American people—probably know that this is an effort by the President to scare us and in exchange for that, he wants to try to take care of the phone companies, not the American people.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, my friend from Texas said that last night, he was joined by a variety of his colleagues, including the President of the United States, who reserved the right to have other views on the floor, which he did, but ended up voting for the bill.

What absolutely baffles me is that we are literally—we can do this FISA bill. I am meeting tomorrow morning with the chairman of the House Intelligence Committee, who may be the only House member in town—I have no idea, but I don’t care because he is the chairman—on what we can do to save this. I am absolutely convinced that we can have a FISA bill. The Senate Intelligence Committee has just come out recently, and the Presiding Officer heard me put this to the Director of National Intelligence, who couldn’t answer it because it was not a policy question, but more of a political question. I said: You are going to get the majority of your information all the way through August. The President praised our bill and then came out the next day and said: Of course, if the House doesn’t pass it, we are going to lose our intelligence and end the use of the FISA bill. That was a misstatement. I think an annoying misstatement.

I don’t understand. I simply don’t understand, if something is good and if the President is willing to sign a bill which this Senator in his conscience feels is right, and it takes 15 days to do it, what the minority leader needs to understand—and he served in the House. I am sure he understands that they have now been jammed twice. They have been jammed. There is something called human nature and it is not illegal to talk about human nature on the floor of the Senate. They have been jammed. They have been
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pushed down to a 2-day period or a 3-day period when they had to make a decision. They resent that. But if they were given a period of time, they would come, in my judgment, to where we are, and the bill would go to the President and he would sign it. Now, let me say something more. What people have to understand around here is that the quality of the intelligence we are going to be receiving is going to be degraded. It is going to be degraded. It is already going to be degraded, as telecommunication companies lose interest. Everybody passes that around and says: Well, what do you mean? I say: Well, what are they making out of this? What is the big payoff for the telephone companies? They get paid a lot of money? No. They get paid nothing. What do they get for this? They get $40 billion worth of suits, grief, trashing, but they do it. But they don't have to do it, because they do have shareholders to respond to, to answer to. There is going to be a degradation of the nature of our intelligence in some very crucial areas if we follow the path that the minority leader is suggesting, because we will go right back to where we were last August, and that will be a further jolt to the telecommunication companies, because they will understand that you cannot count on the Congress, you cannot count on us to make policy which will give stability to their—not government agencies but to their corporations.

Fifteen days. We are off for a week, so maybe it has to be 25 days. I don't know. I don't care about that. We could have the same bill on this floor from the House. I am convinced of it. It is human nature. Give them a chance to have a grudge. I am going to meet with the chairman tomorrow. Let him think it up into me for not giving the House an adequate chance for the second time to discuss this matter. But I am absolutely convinced that we could have that bill on the floor in this body and pass it and send it to the President. Why they don't want to do that, I do not know.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 4060 TO AMENDMENT NO. 4070

Mr. DeMINT. Mr. President, I call for the regular order with respect to amendment No. 4070, and I call up amendment No. 4080 as a second-degree amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DeMint] proposes an amendment numbered 4080 to amendment No. 4070.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To rescind funds appropriated by the Consolidated Appropriations Act, 2008, for the City of Berkeley, California, and any entities located in such city, and to provide that such funds shall be transferred to the Operation and Maintenance, Marine Corps account of the Department of Defense for the purposes of recruiting)

At the appropriate place, add the following:

SEC. 2. RECISSION AND TRANSFER OF FUNDS. (a) RECISSION OF CERTAIN EARMARKS.—All of the amounts appropriated by the Consolidated Appropriations Act, 2002 (Public Law 107-116) and the accompanying report for congressional directed spending items for the City of Berkeley, California, or entities located in such city are hereby rescinded. (b) RECISSION AND TRANSFER OF FUNDS. — The amounts receded under subsection (a) shall be transferred to the "Operation and Maintenance, Marine Corps" account of the Department of Defense for fiscal year 2008 to be used for recruiting purposes.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The amendment is pending.

The amendment is so modified.

The amendment, as modified, is as follows:

At the end, add the following:

TITLE III—MISCELLANEOUS

SEC. 301. RESOLUTION OF APOLOGY TO NATIVE PEOPLES OF UNITED STATES.

(a) FINDINGS.—Congress finds that—

(1) the ancestors of today's Native Peoples inhabited the land of the present-day United States since time immemorial and for thousands of years before the arrival of people of European descent;

(2) for millennia, Native Peoples have honored, protected, and stewarded this land we cherish;

(3) Native Peoples are spiritual people with a deep and abiding belief in the Creator, and for millennia Native Peoples have maintained a powerful spiritual connection to this land, as evidenced by their customs and legends;

(4) the arrival of Europeans in North America opened a chapter in the history of Native Peoples;

(5) while establishment of permanent European settlements in North America did stir conflict with nearby Indian tribes, peaceful and mutually beneficial interactions also took place;

(6) the foundational English settlements in Jamestown, Virginia, and Plymouth, Massachusetts, owed their survival in large measure to the compassion and aid of Native Peoples; the victorsof the settler-Indian Wars; and

(7) in the infancy of the United States, the founders of the Republic expressed their desire for a just relationship with the Indian nations evidenced by the Northwest Ordinance enacted by Congress in 1787, which begins with the phrase, "The utmost good faith shall always be observed toward the Indians);

(b) NATIVE PEOPLES. — Native Indian tribes provided great assistance to the fledgling Republic as it strengthened and grew, including invaluable help to the Lafayette and William Clark on their epic journey from St. Louis, Missouri, to the Pacific Coast;

(c) NATIVE PEOPLES. — Native Peoples and non-Native settlers engaged in numerous armed conflicts in which unfortunately, both took innocent lives, including those of women and children;

(8) the Federal Government violated many of the treaties ratified by Congress and other diplomatic agreements with Indian tribes;

(9) the United States forced Indian tribes and their citizens to move away from their traditional homelands and onto federally established reservations in accordance with such Acts as the Act of May 28, 1830 (4 Stat. 411, chapter 148) (commonly known as the "Indian Removal Act");

(10) many Native Peoples suffered and perished—

(A) during the execution of the official Federal Government policy of forced removal, including the infamous Trail of Tears and Long Walk;

(B) during bloody armed confrontations and massacres, such as the Sand Creek Massacre in 1864 and the Wounded Knee Massacre in 1890;

(C) on numerous Indian reservations;

(11) the Federal Government violated the traditions, beliefs, and customs of Native Peoples and endeavored to assimilate them by such policies as the redistribution of land under the Act of February 8, 1862 (15 U.S.C. 331; 28 June 1864, chapter 119) (commonly known as the "General Allotment Act"); and

(12) the territorial laws of the United States have not been consistent in denying the sovereign rights of Native Nations by the unlawful acquisition of recognized tribal land and the theft of tribal resources and assets from recognized tribal land;

(13) the policies of the Federal Government toward Indian tribes and the breaking of covenants with Indian tribes have contributed to the severe social ills and economic troubles in many Native communities today;

(14) the Federal Government condemned and their citizens to move away from their traditional homelands and onto federally established reservations in accordance with such Acts as the Act of February 8, 1862 (15 U.S.C. 331; 28 June 1864, chapter 119) (commonly known as the "General Allotment Act");

(15) the United States and private United States citizens harmed Native Peoples by the unlawful acquisition of recognized tribal land and the theft of tribal resources and assets from recognized tribal land;

(16) the policies of the Federal Government toward Indian tribes and the breaking of covenants with Indian tribes have contributed to the severe social ills and economic troubles in many Native communities today;
(20) the National Museum of the American Indian was established within the Smithsonian Institution as a living memorial to Native Peoples and their traditions; and

(21) Native Peoples are endowed by their Creator with certain unalienable rights, and among those are life, liberty, and the pursuit of happiness.

(b) ACKNOWLEDGMENT AND APOLOGY.—The United States, acting through Congress—

(1) recognizes the special legal and political relationship Indian tribes have with the United States and the solemn covenant with the land we share;

(2) commends and honors Native Peoples for the thousands of years that they have stewarded and protected this land;

(3) recognizes that there have been years of official depredations, ill-conceived policies, and the breaking of covenants by the Federal Government regarding Indian tribes;

(4) authorizes on behalf of the people of the United States to all Native Peoples for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States;

(5) expresses its regret for the ramifications of former wrongs and its commitment to build on the positive relationships of the past and present to move toward a brighter future where all the people of this land live reconciled as brothers and sisters, and harmoniously steward and protect this land together;

(6) urges the President to acknowledge the wrongs of the United States against Indian tribes in the history of the United States in order to bring healing to this land; and

(7) commends the State governments that have begun reconciliation efforts with recognized Indian tribes located in their boundaries and encourages all State governments similarly to work toward reconciling relationships with Indian tribes within their boundaries.

(c) DISCLAIMER.—Nothing in this section—

(1) authorizes or supports any claim against the United States; or

(2) serves as a settlement of any claim against the United States.

Mr. BROWNBACK. Mr. President, this amendment is one that I think was brought up at the very outset of this debate. I understand there has been an agreement that we can move forward with this amendment. So I have worked with the chairman of the committee and the ranking member, and the modifications have been made. I ask for the yeas and nays on this amendment.

Mr. DORGAN. Mr. President, my understanding is that we were going to voice vote this amendment. Senator MIKULSKI is in the room, and she will want to call up her amendment No. 4023. My hope is that we could agree to these two amendments en bloc by voice vote.

Mr. BROWNBACK. We do not need a recorded vote. I will agree to a voice vote.

First, I ask unanimous consent to add Senator COBURN as a cosponsor of my amendment. The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4023

Ms. MIKULSKI. Mr. President, I ask unanimous consent that my amendment No. 4023 be considered en bloc with Senator BROWNBACK’s amendment. I do not need a recorded vote. I am more than happy to accept a voice vote.

Mr. DORGAN. Mr. President, both amendments have been cleared. I ask for a favorable consideration of the two amendments.

The PRESIDING OFFICER. The question is on agreeing to the Brownback amendment No. 3893, as modified, and the Mikulski amendment No. 4023, en bloc.

The amendments (Nos. 3893, as modified, and 4023) were agreed to en bloc.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DORGAN. 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. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senator from Hawaii, Mr. AKAKA, be recognized for 7 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii is recognized.

VETERANS BENEFITS ENHANCEMENT ACT

Mr. AKAKA. Mr. President, I come to the floor today to speak—again—about S. 1315, the Veterans Benefits Enhancement Act of 2007.

Provisions in S. 1315 would improve life insurance for disabled veterans, expand the traumatic injury protection program for active duty servicemembers, and provide individuals with severe burns specially adapted housing benefits. These provisions are vital to improve benefits and services for our veterans.

However, for many months now, S. 1315 has been blocked from debate by Republican Members opposed to a provision in the bill that would extend certain VA benefits to Filipino veterans residing in the Philippines. The Philippines would receive under S. 1315.

I stress that the amendment was not to strip pension benefits from the bill entirely but to prohibit in line with what Senator CRAIG viewed as appropriate. I disagreed with Senator CRAIG’s assessment and his amendment was not adopted.

In the months that followed markup, consideration of S. 1315 was put off while Republican leadership of the committee suddenly changed hands.

In late fall, my efforts to seek a middle ground between the level of pension benefits in the bill as reported, and the level former Ranking Member CRAIG sought during markup, were rejected.

We crafted a compromise made by the committee’s new ranking member, Senator BURR, supported by Senator CRAIG. It proposed to entirely strip pension benefits from Filipino veterans residing in the Philippines from the bill. This is not acceptable to me. It is possible, however, that it might be acceptable to some in the Senate. That is why I continue to ask that we move forward with deliberation of this measure. Let us have a real debate on this bill, and then have an up-or-down vote.

I again ask that the Senate be allowed to debate this important measure. Our committee must be permitted to finish our work. America’s veterans deserve no less.

Mr. President, I ask unanimous consent that the letter from General Delfin Lorenzana, which I mentioned earlier, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

(1) recognizes the special legal and political relationship Indian tribes have with the United States and the solemn covenant with the land we share;

(2) commends and honors Native Peoples for the thousands of years that they have stewarded and protected this land;

(3) recognizes that there have been years of official depredations, ill-conceived policies, and the breaking of covenants by the Federal Government regarding Indian tribes;

(4) authorizes on behalf of the people of the United States to all Native Peoples for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States;

(5) expresses its regret for the ramifications of former wrongs and its commitment to build on the positive relationships of the past and present to move toward a brighter future where all the people of this land live reconciled as brothers and sisters, and harmoniously steward and protect this land together;

(6) urges the President to acknowledge the wrongs of the United States against Indian tribes in the history of the United States in order to bring healing to this land; and

(7) commends the State governments that have begun reconciliation efforts with recognized Indian tribes located in their boundaries and encourages all State governments similarly to work toward reconciling relationships with Indian tribes within their boundaries.

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Mr. BROWNBACK. Mr. President, this is an amendment that I think was brought up at the very outset of this debate. I understand there has been an agreement that we can move forward with this amendment. So I have worked with the chairman of the committee and the ranking member, and the modifications have been made. I ask for the yeas and nays on this amendment.

Mr. DORGAN. Mr. President, my understanding is that we were going to voice vote this amendment. Senator MIKULSKI is in the room, and she will want to call up her amendment No. 4023. My hope is that we could agree to these two amendments en bloc by voice vote.

Mr. BROWNBACK. We do not need a recorded vote. I will agree to a voice vote.

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Mr. DORGAN. Mr. President, both amendments have been cleared. I ask for a favorable consideration of the two amendments.

The PRESIDING OFFICER. The question is on agreeing to the Brownback amendment No. 3893, as modified, and the Mikulski amendment No. 4023, en bloc.

The amendments (Nos. 3893, as modified, and 4023) were agreed to en bloc.

Mr. BROWNBACK. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DORGAN. 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. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senator from Hawaii, Mr. AKAKA, be recognized for 7 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii is recognized.

VETERANS BENEFITS ENHANCEMENT ACT

Mr. AKAKA. Mr. President, I come to the floor today to speak—again—about S. 1315, the Veterans Benefits Enhancement Act of 2007. This critical legislation would affect real change in the treatment of our Nation’s veterans.

Provisions in S. 1315 would improve life insurance for disabled veterans, expand the traumatic injury protection program for active duty servicemembers, and provide individuals with severe burns specially adapted housing benefits. These provisions are vital to improve benefits and services for our veterans.

However, for many months now, S. 1315 has been blocked from debate by Republican Members opposed to a provision in the bill that would extend certain VA benefits to Filipino veterans residing in the Philippines. The Philippines would receive under S. 1315.

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I again ask that the Senate be allowed to debate this important measure. Our committee must be permitted to finish our work. America’s veterans deserve no less.

Mr. President, I ask unanimous consent that the letter from General Delfin Lorenzana, which I mentioned earlier, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

February 14, 2008

CONGRESSIONAL RECORD — SENATE
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CONGRESSIONAL RECORD — SENATE

S1039


Hon. Larry E. Craig, Member, Senate Veterans’ Affairs Committee, House of Representatives, U.S. Senate, Washington, DC.

DEAR SENATOR CRAIG: In November and December last year, S1315, the Veterans Benefits Reconciliation Act of 2008 (which included provisions for paying benefits to surviving Filipino World War II veterans) was brought to the Senate Floor for unanimous consent. On both occasions, you strongly supported the passage of this bill, but specifically Title IV, the portion on Filipino WWII veterans, citing reasons such as: the Filipinos served in the U.S. military prior to the outbreak of war; the proposed benefits are too generous; they would have undue advantage over U.S. veterans residing in the U.S.; we have treated them worse than they were treated by the Japanese; after the war, the Philippines was under U.S. rule; the U.S. taxpayer will not have to pay for these benefits, but private foundations will; it is a criminatory, unfair and unjust measure; it is discriminatory, unfair and unjust; it is a discriminatory, unfair and unjust measure.

We hope that the debate on the Filipino WWII veterans issue would focus more on the merits of their claims and not their being veterans of a country which it considered an obstacle in its drive during World War II pursuant to the military order of President Franklin Roosevelt sat- isfy the statutory definition of a U.S. veteran. We understand that it would be too little, too late to pay them on equal terms as their U.S. counter- part. Subsequently, the Rider to P.L. 79– 301 was inserted to become Sec. 107, Title 38 of the U.S. Code 1315. How much is $3.2B in today’s dollars, Senator Craig? Furthermore, the Rider to P.L. 79–301, the Philippine Resident Commis- sioner, Romulo, protested the Rider and rejected the $200M appropriation to the Philippine Army. Our research yields no record of the amount going into the Philippine Army budget in the years 1946–48. Again, how much is this in to- day’s dollars? By all accounts, this measure has saved the U.S. billions of dollars at the expense of the Filipino WWII veterans.

Mr. Senator, these Filipino WWII veterans were no different from the more than 15 mil- lion American men and women who were discharged from the military service at the end of World War II. They came from all walks of life and every section of the country. They operated elsewhere. They aided and protected civilians, provided invaluable intelligence and combat support in the rescue of 513 American POWs in Cabanatuan in Central Luzon on January 28, 1945—considered as the most successful rescue in the annals of the U.S. Army. This rescue operation was later made into the acclaimed book “The Ghost Soldiers” and eventually became the most significant of its kind. It jumpstarted their careers through the GI Bill of Rights.

The Philippines was under U.S. rule for 8 years, 1946–48. Again, how much is this in to- day’s dollars? By all accounts, this measure would give them on equal terms as their U.S. coun- terparts.

The Philippines’ status as a U.S. colony and a U.S. law, the Tydings-McDuffie Act of 1941, also known as the Philippine Independence Act, this law was passed by the U.S. Congress in 1934, provided for the transfer of sovereignty to the Philippines leading to its independence from the U.S. in 1946 (PL 79–301) was, therefore, grossly dis- credited.

President Franklin D. Roosevelt on July 26, 1934, also known as the Philippine Independence Act of 1934, provided for the transfer of sovereignty to the Philippines for 8 years, 1946–48.

Mr. Senator, the 110th Congress is in a position to redress a 62-year old injustice done to Filipino veterans by the same institution that you now serve, by passing S1315.

Out of the original 700,000 listed after the war, less than 28,000 are known to be alive, 320,143 in 1948, barely 18,000 survive today. They are in their mid-30s and in about a decade only a few of these will be left. They are in need of housing loans, medical and other benefits. Edu- cated and trained, they became a vital cog in postwar America that propelled this great nation towards world leadership today.

Two of your esteemed Senate colleagues, Senators John Warner and Frank Lautenberg, both WWII veterans, jumpstarted their careers through the GI Bill. No such luck came for the Filipino veter- ans.

Senator Craig, the 110th Congress is in a position to redress a 62-year old injustice done to Filipino veterans by the same institution that you now serve, by passing S1315. Out of the original 700,000 listed after the war, less than 28,000 are known to be alive, 320,143 in 1948, barely 18,000 survive today. They are in their mid-30s and in about a decade only a few of these will be left. They are in need of housing loans, medical and other benefits. Edu- cated and trained, they became a vital cog in postwar America that propelled this great nation towards world leadership today.

Two of your esteemed Senate colleagues, Senators John Warner and Frank Lautenberg, both WWII veterans, jumpstarted their careers through the GI Bill. No such luck came for the Filipino veter- ans.
them into the service of the U.S. Army to fight under the U.S. flag. They were U.S. veterans under U.S. law after the war and entitled to VA benefits until PL 79-301 was passed.

As we commemorate the Anniversary of the Rescission Act of 1946 on February 18, we pray that this 62-year old claim for recognition and remaining gallant men and women who served America with utmost loyalty and devotion during WWII be finally granted.

Lastly, the Philippines is one of the leading allies of the U.S. in today’s war against terror. In the same way that the Filipino soldiers in WWII shed their blood with U.S. soldiers for freedom and democracy, today’s Filipino soldiers help make the world a safer and more secure place to live. Would it be too much to ask, therefore, that if only in tribute to their long lasting partnership, that a great injustice be formally corrected and our WWII veterans given the recognition and benefits they so richly deserve. That’s all that we ask.

With my best wishes for your continued success, I remain
Sincerely yours,
Delphin N. Lorenzana,
Special Presidential Representative/Head, Office of Veterans’ Affairs.

Mr. AKAKA. 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. Without objection, it is so ordered.

AMENDMENTS NOS. 4078, AS MODIFIED; TO AMENDMENT NO. 3899, AND 4083

Mr. DORGAN. Mr. President, I have a unanimous consent request that has been cleared on both sides, to clear some amendments that are agreed to.

I ask unanimous consent that the pending amendment be set aside so that I may call up the following amendments: Coburn, No. 4078, as modified; Vitter, No. 4038; Bingaman, No. 4083.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. COBURN and Mr. BINGAMAN, proposes amendments numbered 4078, as modified; Vitter, No. 4038; Bingaman, No. 4083.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendments.

The amendments are as follows:

AMENDMENT NO. 4078, AS MODIFIED

At the appropriate place in title VIII of the Indian Health Care Improvement Act (as amended by section 101), insert the following:

SEC. 8. STUDY ON TOBACCO-RELATED DISEASE AND DISPROPORTIONATE HEALTH EFFECTS ON TRIBAL POPULATIONS.

“Not later than 180 days after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the Secretary, in consultation with appropriate Federal departments and agencies and acting through the epidemiology centers established under section 209, shall solicit from independent organizations bids to conduct, and shall submit to Congress, no later than 5 years after enactment, a report describing the results of a study to determine possible causes for the high prevalence of tobacco use among Indians.

AMENDMENT NO. 4083

(Purpose: To require the Comptroller General of the United States to conduct a study on payments for contract health services)
and renovation of Indian health facilities, except where such work is carried out by tribal or tribal organization employees.

Ms. MURKOWSKI. That is my understanding as well. The reason that the managers' amendment provides to simply leaving section 303 in current law untouched, is a purely technical matter arising from the difficulty, or awkwardness, of leaving only one provision of the Indian Health Care Improvement Act in place while repealing or amending the rest of that act.

Mr. DORGAN. That is correct, that is why the managers' amendment restates current section 303 verbatim.

Ms. MURKOWSKI. More specifically, it is my understanding that by simply restating section 303 verbatim in this bill, Congress is not superseding or altering the effect of the prevailing wage provisions of the Indian Self-Determination and Education Assistance Act—indians in the Indian Health Service referred to by the Senator from North Dakota applicable when construction or renovation work is carried out by employees of an Indian tribe or tribal organization—the regulations promulgated under that act.

Mr. KENNEDY. That is correct.

Mr. DORGAN. Yes, that is correct.

Mr. BROWN. Mr. President, I rise today in support of amendment No. 4023, which would halt draconian new rules that would hamstring cost-effective case management services under the Medicaid Program.

In March of this year, the Centers for Medicare and Medicaid Services plans to implement a regulation designed to limit case management services: For children in foster care; for the elderly, who, if not for case management, would be in nursing homes; for Americans with disabilities; and or individuals with severe mental illness. Thomas who not only live with severe health or mental disabilities, they live in poverty. This administration is nothing if not inconsistent. This administration consistently wows those with wealth and neglects those in need.

Ohio has worked over the past 24 years to develop and fine tune an effective system for providing case management to Medicaid beneficiaries who meet a nursing home level of care but want to remain in their homes. Enabling these Ohioans, most of whom are elderly, to live independently is not only right, it is smart. Per capita nursing home care is more expensive than per capita home health care.

And home and community-based care fosters independence, self-determination, and rehabilitation.

Case managers are the foundation of this system of care. It cannot work without them.

But case managers cannot do their jobs if they are hung up by rules that just do not make sense.

CMS is attempting to chop the case management system into pieces, wrap it in red tape, and sit back as it withers on the vine.

They are limiting case management, as if the lack of it is in some way a reason the system is not working. Like much of health care, costs. Nothing could be further from the truth.

At a time when our health care system is overburdened and our economy is in a slump, why would we introduce chaos into cost-effective, coordinated care?

If the administration hamstrings effective case management, Medicaid costs will not drop, they will likely balloon. Without solid case management grounded in seamless administration and service delivery, state Medicaid Programs will lose ground.

They will forsake precious progress they have made toward eliminating duplicative or unnecessary care, reducing hospitalizations, and improving outcomes.

This rule is bad for Ohio and bad for the nation. It is misguided, and frankly, it is cruel.

Whether your vote comes from compassion or common sense, I urge every Member to support this amendment.

Mr. CANTWELL. Mr. President, I rise in strong support of the Indian Health Care Improvement Act and the reauthorization we are considering today.

 Passage of this bill in the Senate is long overdue. We haven't passed an update to the Indian Health Care Improvement Act since 1992, and the law has now been expired for 8 years.

Since this time, we have seen the continuation of unacceptable trends in the health of American Indians and Alaskan Natives. American Indians and Alaskan Natives across the country are 400 percent more likely to die from tuberculosis, 291 percent more likely to die from diabetes complications, and 67 percent more likely to die from influenza and pneumonia than other groups.

In my State of Washington, the average life expectancy of an American Indian or Alaska Native under the Indian Health Service for the years 2000 through 2002. This is a troubling increase from the gap of 2.8 years reported by the Indian Health Service for 1994.

These disparities must not continue. We owe it to Indian Country to make good on our promise—a promise embedded in long-standing trust agreements—to ensure that the health needs of American Indians and Alaskan Natives are taken care of.

Enactment of this bill, of which I am a proud cosponsor, is a necessary step that will help us fully realize our obligations. The Indian Health Care Improvement Act must be reauthorized, and most importantly, modernized to ensure that the delivery of services. The services delivered under the Indian Health Service reflect the advances made in health care delivery.

This reauthorization makes much needed improvements to the way health care is administered to American Indians. It makes new authorizations for home and community based care, a cost-effective and much desired alternative to traditional long-term care facilities. It makes new authorizations for behavioral health services to address disorders beyond the traditional focus on alcohol and substance abuse. And it requires that individuals in need of mental health services get access to a continuum of care such as hospitalization and detoxification services.

Importantly, this bill includes long-term reauthorization of health services for urban Indians. As my colleagues know, urban Indians account for a vast majority of the American Indian population, with nearly 7 out of 10 American Indians and Alaskan Natives living in or near an urban area.

Such a large population cannot be left behind in this reauthorization. Urban Indians face similar disparities as their counterparts who live on reservations, and they are not removed from our Nation's trust obligation because of where they live.

Washington State is grateful for the efforts of two urban organizations working to provide critically needed health care to this underserved population. The Seattle Indian Health Board and the N.A.T.I.V.E. Project of Spokane have remained strong advocates for urban Indians. As my colleagues are already aware, urban Indians face similar disparities as their counterparts who live on reservations, and they are not removed from our Nation's trust obligation because of where they live.

And Washington State is grateful for the efforts of two urban organizations working to provide critically needed health care to this underserved population. The Seattle Indian Health Board and the N.A.T.I.V.E. Project of Spokane have remained strong advocates for urban Indians. As my colleagues are already aware, urban Indians face similar disparities as their counterparts who live on reservations, and they are not removed from our Nation's trust obligation because of where they live.

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Above all, I am proud to stand with my colleagues on the Indian Affairs and Finance Committees to see this through and get a bill signed into law.

However, I want to also urge my colleagues to remember that our trust responsibility does not end with reauthorization of the Indian Health Care Improvement Act. It continues as we craft a budget for the coming fiscal year and make the appropriations for the Indian Health Service. The programs we are about to reauthorize are useless if we don't make gains in the
or tribally operated. When services are provided some services through direct care services for Native Americans and Quality Health Care. Unfortunately, too many of those in the Indian health system do not receive that care today. This important legislation will change that. Reforming our Nation’s broken health care system is one of my highest priorities and I strongly support efforts to shore up Indian health care services, such as those proposed in this important legislation. Like all Americans, American Indians and Alaska Natives cannot prosper without access to modern, efficient, and quality health care.

The most recent census information available indicates there are 2.3 million American Indian and Alaska Native people in the United States. In my State of Oregon alone there are nine federally recognized tribes, and a large urban Indian population. Less than 40 percent of their people reside on reservations. It is a continuing failure of this Nation that American Indian and Alaska Native people rank at or near the bottom of so many social and economic indicators.

Most striking of these indicators are the health statistics involving American Indian and Alaska Natives. Diabetestuberculosis, alcoholism, fetal alcohol syndrome, and increasingly, AIDS, care America’s Native communities at rates far and above those of other Americans. As of 2007, there is a $1 billion backlog in unmet needs for health facilities, contributing to the degenerating health of Native communities.

The plight of Native American health care in this country is the result of one simple and tragic fact: The Federal Government has failed to meet its promise to Native Americans. True to its Chacoan and statutes, the Federal Government has promised to provide health care to American Indians and Alaska Natives. A critical aspect of this promise is sufficient funding for the Indian Health Service, IHS, part of the Department of Health and Human Services. IHS arranges health care services for Native Americans and provides some services through direct care at hospitals, health centers, and health stations, which may be federally or tribally operated. When services are not available, the IHS resource centers, in addition to the Indian Health Service, provide and promote local health care providers.

In addition, in the Indian Health Amendments of 1992, Congress specifically pledged to “assure the highest possible health status for Indians and urban Indians and to provide all resources necessary to effect that policy.” These combined commitments are an acknowledgment that the Federal Government met its legal and moral responsibilities to Native Americans.

Sadly, we haven’t even come close to keeping those promises. Sufficient funding has not been provided. IHS is so underfunded and understaffed that patients routinely are being denied care that most of us would take for granted and, in many cases, would consider essential. The resulting rationing of care means that all too often Indians are forced to wait until their medical conditions become more serious—and more difficult to treat—before they can even access necessary health care. The chronic underfunding has only worsened in recent years, as Federal appropriations failed to keep up with the steep rise in public and private health care costs and expenditures.

The results are startling and disturbing. While per capita health care spending for the general U.S. population is about $7,000, the Indian Health Service spends only about $2,100 per person on individual health care services. The Government also spends considerably less on health care for Indians than it spends for Medicare beneficiaries, Medicaid recipients, and veterans.

It is appalling that we can live in one of the most prosperous nations on Earth, where most—but by far not all—Americans have access to health care services, yet we provide woefully inadequate health care for our Native American population.

These resource shortcomings underscore one of the Indian Health Service a priority in the Federal budget. It is also why I am supporting an amendment offered by my colleague from the State of Oregon, Senator Gordon Smith, along with my colleague from Washington State, Senator Maria Cantwell. It would provide for innovative approaches in funding health care facilities by providing a way to distribute funds more equally with the establishment of an area distribution fund.

Each year, I travel to every county in Oregon to learn firsthand the challenges confronting my constituents. I often find that my most enlightening visits occur when I travel to Indian Country, especially when I hear or read compelling stories about Indian health care afforded to my tribal constituents. But I am also pleased that the northwest region has its share of success stories and examples of medical care for Native Americans that have worked.

With the support of the National Indian Diabetes Prevention Program, made possible by the IHS Special Diabetes Program for Indians, diabetes patients are losing weight and improving their lifestyle. I am also pleased to note that the One Sky Center, a National Native Resource Center for Substance Abuse and Mental Health Services located at Oregon Health and Science University in Portland, Oregon, is one of the few Re-Source Center of its kind in Indian Country. Indian Country is in a crisis in combating alcohol, substance abuse, and methamphetamine. There is a real need for such a center for not only tribally operated programs but also for networking and interface with Indian Country to try to find solutions, leverage programs, and build partnerships to address these key health issues.

In addition, on the national level, the recently reauthorized Special Diabetes Program for Indians, SDPI, had significant success and is viewed as a model for improving preventive care and disease management for this significant chronic illness. Tragically, Native Americans are 2.6 times more likely to be diagnosed with diabetes than the general U.S. population and diabetes mortality is believed to be 4.3 times higher in the Native American population than in the general U.S. population. The combination of this special program and the legislation before us today could help make significant strides against this ongoing public health threat that disproportionately hits Native Americans. Importantly, the SDPI has given Indian health programs and tribal communities invaluable resources and tools to help prevent and treat diabetes. And it has had real medically measurable results.

In just 10 years, the mean blood sugar level has decreased by 13 percent. Scientific research demonstrates that such a decrease results in a 40-percent decrease in diabetes-related complications, such as blindness and amputations. Furthermore, on the prevention front, it has also increased school-based prevention programs for children, such as increased physical activity programs, better school lunches, and removal of junk food-filled vending machines, and diabetes awareness education. There are also more community-based wellness centers offering exercise and nutrition programs for individuals at risk for diabetes.

Yet, this program has been funded apart from the traditional sources of funding for Indian health care, the IHS. It is imperative that Congress pass the Indian Healthcare Improvement Act Amendments so that our country can begin to fill the many significant health care deficits and have more success stories like the ones I just described.

I want to just take a few moments to reiterate how important it is for all Americans that the Federal Government move to reform our nation’s health care system. It is very clear, in trying to fulfill the many demands on health care, that there exists a health care crisis. In fact, I think when we get on the floor debating any health program, the Senate will see and the
country will see that this debate illustrates how broken our health care system is.

Native Americans are not the only Americans who believed they would have health care when they would need it, only to find that faced with a serious or life-threatening illness the care or coverage available doesn’t match their need. Despite paying more per person for health care services than any nation, so many go without or without care or coverage. For some Americans, this happens when they have lost a job, and hence the coverage that went with it, or they had minimal insurance that doesn’t come close to providing them the financial security needed to cover the costs of the health care services they need. For 47 million Americans, often through no fault of their own and despite having tried to be able to afford or purchase health coverage, they find themselves with health care coverage at all. These fellow citizens are at the mercy of hospital emergency rooms should health care tragedy strike them or their families. Plus, hopefully last in the number of cases, they are unable to pay for needed care without risking personal bankruptcy, if at all.

Many people agree with the need for change, but have a healthy skepticism about the realistic meaningful structural reform is possible in our lifetimes. I understand these doubts, and I do not underestimate the challenge. Yet, I do believe we have the possibility of a real ideological truce now in health care and more so. Both political parties have come to understand that to fix health care we must cover everybody. If we don’t cover everybody, people who are uninsured shift their bills to those who have coverage. This pushes the uninsured to the other side of the aisle who made the point about getting everybody coverage, in my view, have been correct, and clearly the country and citizens of all political persuasions have come around to that point of view.

There is also strong support for something the Republicans feel strongly about, and that is not having the government run everything in health care. There can be a role for a healthy private sector in universal health care, one where there is a fairer and more efficient market. And there ought to be more choices; in fact, there can be an efficient market. And there ought to be a role for a healthy government run everything in health care. There can be a role for a healthy

My fellow Senators, it is my hope that we pass the Indian Healthcare Improvement Act Amendments as soon as possible and live up to our legal and moral obligations to provide health care services to our Native American population. I have been proud to join with the other Senator from North Carolina, Mr. Cooper, in introducing the Indian Health Service, and I will continue to fight for more IHS funding because it benefits all people, Native and non-Native people, in tribal and surrounding communities. I am pleased to support the improvements and funding, which will move forward the cause of improved Indian health care.

LIFE INSURANCE BENEFITS FOR DISABLED VETERANS

Mr. BURR. Mr. President, a few minutes ago the chairman of the Veterans’ Affairs Committee came to the floor and talked about the history of a bill, S. 3135, the spirited debate we had in committee and the continued negotiations that have gone on since that markup. I am here to announce that today I introduced an alternative bill to S. 3135. I know I am joined by millions in America who also salute our Nation’s veterans. These brave men and women and their families have sacrificed so much to defend our country and to protect our freedoms.

As the ranking Member of the Senate Committee on Veterans’ Affairs, I take very seriously my responsibilities to ensure that our veterans are getting the respect and benefits they deserve. This appreciation is the very reason why I wish to talk about the substitute to S. 3135. My bill is a commonsense alternative to an omnibus veterans bill that was reported out of the Senate Committee on Veterans’ Affairs last June contained over 35 provisions compiled from other bills.

Unlike in past Congresses, S. 3135 does not enjoy the kind of customary bipartisan support that such omnibus bills have received in the past. Why is this? In addition to all the good things it would do for the veterans, this bill also is a vehicle for a provision that would take money away from helping veterans of the war on terror and instead send the money overseas. I am talking about a provision that would establish a flat rate special pension for World War II Filipino veterans who did not suffer any wartime injuries, generally are not U.S. citizens, and who do not get more than $11,000. Instead, I would give our sons and daughters who served in the United States and full disability compensation for those living abroad who are providing services for the final U.S. freedom.

It is important to note it would still provide over $100 million to grant full equity to Filipino veterans living in the United States and full disability compensation for those living abroad who are providing services for the final U.S. freedom.

Also, my bill would create savings by changing how S. 3135 would fund State and local governments for VA education benefits. My bill would begin to transition these entities from entitlement funding to discretionary appropriations. Subjecting these agencies to the annual appropriation process would help make sure veterans are being well served by any funds spent on this bureaucratic function.

My bill then takes these savings, the savings we have gained from eliminating this pension fund for non-U.S. citizens and Filipinos not injured in the conflict and it would provide funding to increase the specially adapted housing grants for severely disabled veterans from $50,000 to $55,000 and for less severely disabled veterans from $40,000 to $45,000. It would then annually adjust the amount of these grants for inflation.

My bill would also increase the auto grant assistance for traumatically injured veterans from $11,000 to $16,000, and also index that grant for inflation.

This benefit provides mobility and freedom to people such as SGT Eric Edmundson—whom my colleague from North Carolina talks about frequently—a young veteran from my State of North Carolina who lost the use of his legs after being injured during combat. As a result, Eric now uses
a motorized wheelchair. The expense to get a van that is wheelchair accessible is enormous. This provision makes it financially possible for others, such as Eric, to afford what most of us take for granted: mobility.

My bill will also provide annual increases in the funeral assistance and plot assistance benefits to families of deceased veterans to keep up with inflation.

It would increase “kickers” for members and their families: payments from $350 to $425 per month, providing extra monthly education benefits that may be paid to members with certain critical skills.

It also allows Guard and Reserve personnel activated for a cumulative 2 years after the war on terror began to receive maximum education benefits. The current requirement is either 3 cumulative years or 2 continuous years of service. This change will make it easier for our men and women who have gone on multiple deployments including many of the Guard and Reserve from my home State of North Carolina, to earn the highest level of education benefits.

With these changes to S. 1315, we have a well-balanced package of benefit enhancements for our Nation’s veterans which could garner the support of the entire Senate.

Unfortunately, the same cannot be said about S. 1315 in its current form. The problem with S. 1315 is the provision that creates a special pension for World War II Filipino veterans. This is both wrong and it is costly. It is wrong because it takes money from American veterans and sends it to the Philippines to create a special pension for noncitizen, nonresident Filipino veterans with no service-connected disabilities.

Allow me to explain this provision in S. 1315 and what it would actually do.

It proposes to send $328 million over 10 years for the Philippines for Filipino veterans. Although I am supportive of the increased benefits for Filipino veterans residing in the United States and even increasing benefits for Filipinos with service-connected injuries residing elsewhere, I cannot support sending $221 million to the Philippines to create a special pension for noninjured Filipino veterans.

To some, this may sound like a nice thing to do, and I fully respect their desire to recognize the valued service made by Filipino veterans in defense of the Philippine islands. But I point out that our Government has already done a great deal to provide for Filipinos who fought in World War II.

For instance, after the war, the United States gave $620 million to the Philippines for repair of public property and war damage claims; provided partial-dollar VA disability compensation to Filipinos with service-related disabilities, and provided benefits to the survivors of Filipinos injured in the war.

The United States also provided $22.5 million for the construction and equipping of a hospital in the Philippines for the care of Filipino veterans and later donated that hospital to the Philippine Government. On top of that, the United States continues to provide annual grants to support the operation of that hospital in Manila.

For those Filipinos legally residing in the United States, the benefits are even more robust. They are eligible for full-dollar disability compensation, for cash burial benefits, access to VA health care facilities, and burial in our national cemeteries.

With these initiatives and others, our Government has taken a significant step to recognize the service of Filipino veterans. More importantly, the money that S. 1315 would send overseas to create a new special pension for Filipinos is money that is needed in the United States to support our men and women who have served our country, especially in Iraq and Afghanistan. Simply put, with our Nation now at war, this Filipino pension provision is the wrong priority at the wrong time.

Since the committee’s markup, we have tried to align the bill and the priorities that so many of our colleagues share, such as enhancing benefits for men and women fighting in the war on terror. Because those efforts have not worked, I introduced today an alternative to S. 1315. I kept most of the provisions found in S. 1315 because it is generally a good bill. It would provide enhancements to a wide range of benefits for our Nation’s veterans.

In short, my bill serves as a fair and just compromise. It improves benefits for Filipinos, but it also places the appropriate priority on our returning OIF and OEF veterans. I believe it is a reasonable alternative to S. 1315, and I believe it is comprehensive and pass quickly. I ask my colleagues for their support.

I am ready to debate the contents of this bill against S. 1315. I am sure, if the leadership would set the structure up to do that. But it is important that every Member of the Senate and every American understand we have done a tremendous job of supporting people who have fought with us in battle, and the Filipinos are no different. The reality is, at this time, we should focus on the needs of those who are U.S. citizens, the needs of those who were injured in battle, and not to create a special pension fund for individuals who had the affiliation and I might say that exceeds the annual income of most Filipino residents.

I urge my colleagues to learn about this issue and to get ready to engage in debate. I yield the floor. Mr. President, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll. Mr. McConnell. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES SERGEANT EDWARD O. PHILPOT

Mr. McCONNELL. Mr. President, I rise to speak on behalf of a fallen soldier. On October 23, 2007, SGT Edward O. Philpot was on patrol with U.S. soldiers and members of the Afghan National Army in Kandahar, Afghanistan, conducting tactical convoy operations in hostile territory. Sergeant Philpot was killed in a tragic human collateral accident. He was 38 years old.

Sergeant Philpot handled a number of jobs in his unit, from gunner to driver to humvee commander. He was part of the leadership that creates a special pension for Filipinos veterans. This is money that is needed in the United States to support our men and women who have served our country, especially in Iraq and Afghanistan. Simply put, with our Nation now at war, this Filipino pension provision is the wrong priority at the wrong time.

“Ed had found his calling with the military,” says Renee Crockett, his sister. “He loved being a soldier and felt he was finally doing exactly what he was supposed to be doing.”

For his bravery in uniform, Sergeant Philpot received numerous medals and awards, including the Bronze Star Medal.

Military service ran in Ed’s family, as his Uncle Willard Philpot of Manchester served in Vietnam and, sadly, perished in Thailand. Family members saw a lot of similarities between Ed and his uncle, who died before Ed was born. “Both were quiet, warm, and caring individuals, and both gave the ultimate sacrifice while serving their country,” says Renee.

Raised by his parents, Ottas and Will Philpot, Ed grew up a student of history. He soon amassed a personal library of books on many historical figures. He was also a fan of mystery books, and enjoyed a sharp political debate.

Ed was born in Farmington, MI, and grew up in that State. As a child, he spent all his holidays and most of his summers in Kentucky, in Manchester, with his paternal grandparents Walter and Lillie Philpot, and would travel back and forth often between Kentucky and Michigan.

When Ed was only 8 or 9 years old, he began to learn how to play the saxophone. One day he took out his horn to practice and found a perfect audience in Sandy, the family dog, sitting on the patio. Young Ed began playing with all the charisma and passion he could muster, but it wasn’t good enough for Sandy, who ran all the way to the backyard and buried her head beneath her paws. Thus ended Ed’s musical career.

Ed graduated from Garden City High School in Garden City, MI, in 1987 and Coastal Carolina University in Conway, SC, in 1992. After college, Ed returned to Manchester, where he spent some of the happiest times of his youth.

Ed went into law enforcement, became the director of a home incarceration program. In 1995, he married Stephanie, and they raised three beautiful daughters, Hollen, Lily, and Ella Grace. Eventually, Ed and his family settled in South Carolina.
Ed’s family was the most important thing to him. “He would take his daughters out to the coffee shop for cookies on Saturday mornings,” his sister Renee said. Ed loved to take walks with them and ride them on his shoulders. He would also take them for daddy-daughter dates to celebrate their accomplishments.

Sergeant Philpot’s family “was clearly his life and his motivation,” says MAJ Bill Connor, who served with him in Afghanistan. “He spent his little bit of off-duty time going to the nearest bazaar to buy trinkets for his daughters and his family.”

Ed enlisted in 2001 and served with the South Carolina Army National Guard’s 1st Battalion, 263rd Armor Regiment in Afghanistan, where he was promoted to sergeant. He enjoyed the simple pleasure of giving candy to Afghan children.

“He was one of the most dedicated men you would ever see,” said SGT Kenneth Page, who served alongside Sergeant Philpot. “He always liked to hang around at the armory, even when it wasn’t drill weekend. He just liked to be there.”

The Philpot family is in my prayers today as I recount Ed’s story. We are thinking of his wife Stephanie; his daughters Hollen, Lily, and Ella Grace; his father Ottas; his mother Willa; his sister Renee Crockett; his nephew Trevor Crockett; his niece Taylor Crockett; and many other beloved family members and friends.

Ed was predeceased by his grandparents Walter and Lillie Philpot and Tom and Viola Hollen, all of Manchester.

His funeral service was held October 30 last year in Manchester at the Horse Creek Baptist Church. After the service, the funeral procession stopped for a moment of silence in front of Hacker Elementary School, where the entire student body assembled outside. Ed’s parents had both attended Hacker Elementary as children.

Thirty-eight young students each held a red, white, or blue balloon, one for each year of Ed’s life. At the same moment, they released the balloons up into the air. The rest of the students held up American flags, in honor of the soldier who had given his life for that same flag. “Ed was always quick with a smile and a positive attitude that was remembered by all,” says his sister Renee. “He is definitely a hero.”

I want the Philpot family to know that this Senate agrees, and today we honor SGT Edward O. Philpot’s life of honor and of service. His immense sacrifice made on behalf of his Nation, State, and family allows us all to live in freedom.

IMPORTANT MILE MARKER IN WAR ON TERROR

Mr. President, an important mile marker in the war on terror was passed late Tuesday night. A terrorist by the name of Imad Mugniyah, one of the world’s most wanted murderers and a top commander of Hezbollah, was killed in Damascus. With his death, long-delayed justice has finally been served.

News reports are still coming in, and so far no one has claimed responsibility for his death. But we know one thing for certain: As Sean McCormack, a spokesman for the State Department, put it, “The world is a better place without this man in it.”

Let me describe for my colleagues just a few of this murderer’s many heinous crimes. American officials accuse him of planning the 1983 bombing of a U.S. Marine compound in Beirut, killing 241 troops.

He is accused of masterminding a car bomb which exploded at an American embassy in Beirut, also in 1983, killing 61 people.

American prosecutors charged him in the hijacking of a TWA jetliner in 1985. He is also accused of shipping arms to violent, radical terrorist groups.

And then there is one brutal act that struck deep in my hometown of Louisville, KY. Imad Mugniyah was behind the brutal kidnapping, torture and murder of U.S. Marine COL William Richard Higgins.

Colonel Higgins was a Kentuckian, born in Danville. He graduated from Southern High School in Louisville, participated in ROTC at Miami University in Ohio, and served multiple tours in Vietnam.

Over a 20-year military career, he received numerous medals and awards, including the Defense Distinguished Service Medal, the Defense Superior Service Medal, the Legion of Merit, the Bronze Star with combat “V” and the Purple Heart.

On February 17, 1988, Colonel Higgins was captured by armed terrorists in Lebanon while serving on a U.N. peacekeeping mission. He was held, interrogated and tortured.

A year and a half after his capture, terrorists released a grisly videotape of Colonel Higgins’s lifeless body, hung by the neck, which played on television sets around the world.

In Louisville, we built a memorial to Colonel Higgins on the grounds of his alma mater, Southern High School.

We were outraged then and we are still outraged now to see what happened to this good and brave man at the hands of thugs.

Now, at long last, we know justice has been brought to his murderers. In an essay titled “My Credo,” Colonel Higgins once wrote: “As an officer of Marines, I believe it is my charge to set the example.”

Well, Colonel, the high-school students in Louisville who pay for your memorial every day will always remember the example you set. You served your country with pride, and now may rest in peace.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader?

Mr. REID. Mr. President, it is difficult to speak publicly or privately expressing your views that you are glad someone is dead, but I say, through the Chair to my friend, the distinguished Republican leader, I join in his remarks. This was a vicious man.

There is nothing we can do to restore the lives of those he is responsible for killing, the number of which we don’t know.

But what happened yesterday will cause this man not to be involved in killing other innocent people. So as difficult as it is to recognize that someone’s life has been snuffed out, it goes without saying that for mankind this was the right thing to do. However, it happened, it was the right thing to do. This was a person who was waiting for the next opportunity to see what he could do to act out his devilish ways.

Mr. REID. Mr. President, I send a cloture motion to the desk on the substitute amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report the motion.

The assistant legislative clerk read as follows:

Mr. REID. Mr. President, I send a second cloture motion to the desk on the bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report the motion.

The assistant legislative clerk read as follows:

Mr. REID. Mr. President, I ask unanimous consent that the vote on the motion to invoke cloture on the substitute amendment occur at 5:30 p.m., Monday, February 25; that if cloture is not invoked by a unanimous consent substitute, all cloture time be yielded back except for the times specified in this agreement, and that the managers each have 10 minutes of debate for their use;
that all debate time be equally divided and controlled in the usual form; that Senator DeMint be recognized for up to 1 hour to speak with respect to any of his pending germane amendments; that with respect to the Vitter amendment No. 3997, a first-degree germane amendment from the majority on the subject matter of Vitter, that debate time on these two amendments be limited to 60 minutes each; that the Smith amendment No. 3897 be limited to 20 minutes of debate; that no further amendments be in order, and that upon the use of time with respect to the DeMint amendments, the Senate then proceed to vote in relation to the amendments; that the vote sequence occur in the order in which the amendments are listed in this agreement except the majority amendment with respect to the Vitter amendment would occur first; that there be 2 minutes of debate prior to each vote; further, that upon the disposition of all pending amendments, the substitute, as amended be placed on the table; that the motion to reconsider be laid upon the table; that upon passage of H.R. 1328, the Senate then proceed to vote on the motion to invoke cloture on the bill; that if cloture is invoked, all postcloture time be yielded back, and without further intervening action or debate, the Indian Affairs Committee be discharged from further consideration of H.R. 1328, the House companion, and the Senate then proceed to its consideration; that all after amendments be stricken in lieu thereof; that the bill be advanced to third reading, passed, and the motion to reconsider be laid upon the table; that upon passage of H.R. 1328, S. 1200 be returned to the calendar; further, that the mandatory quorum be waived; provided further that if cloture is not invoked, this agreement is null and void.

I would further inform all Members that debate time utilized will be utilized. We will have three votes on Monday beginning at 5:30, and we will have the other two votes Tuesday morning. Senator KYL asked for this. I think it is reasonable.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, let me say that I send my appreciation to Chairman DORGAN and Ranking Member MURkowski. They worked very hard. Of course, I want to express my appreciation to all the Senators who have been involved in our getting to this point. He has been a big help to our getting here. It has been a difficult road.

It is a bill that is long overdue but certainly is necessary to do. I appreciate a one's cooperation. I am going to confer briefly, in a matter of minutes, with the distinguished Republican leader to determine if there is any reason for us to be in session tomorrow. That announcement will be made at 2:00 p.m.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I now ask unanimous consent that the Senate proceed to a period of 20 minutes of debate with respect to Senator KYL's amendments. Further, I ask Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia is recognized.

CELEBRATING PRESIDENT'S DAY

Mr. BYRD. Mr. President, on Monday, February 18, the United States will celebrate President's Day. President's Day takes on a particular significance this year, as the Nation is actively involved in the selection process for a new President. It is heartening to see the level of interest and participation in all of the Presidential campaign events and in the primaries and caucuses. It is a sign that Americans' faith in the basic processes of their Government is still strong, even as a recent poll indicates that the public holds a very low opinion of the current President and of Congress. In a 1789 letter to Richard Price, Thomas Jefferson wrote that, "Whenever the people are well-informed, they can be trusted with their own Government. Whenever things get so far wrong as to attract their notice, they may be relied upon to set them to rights." I believe we are witnessing the truth of Thomas Jefferson's observation.

As early as 1796, Americans were observing the birthday of our first and still one of our greatest, Presidents, George Washington. According to various old style calendars, George Washington was born on either February 11 or February 22, 1732. On whichever date people preferred, President Washington's birthday was feted with "Birthnight Balls," speeches, and receptions. Here in the Senate, one of our most enduring traditions is the annual reading of Washington's 1796 Farewell Address by a current Member of the Senate. This tradition began in 1802, and became an annual event in 1893. Beginning in 1900, the Senator who read the address then signed his or her name and perhaps wrote a brief remark in a book maintained by the Secretary of the Senate. For the historically curious, both Washington's Farewell Address and a selection of the remarks from the book can be found on the Senate's Web site (www.senate.gov/artandhistory/history/common/generic/FarewellAddressBook.htm).

After the 1865 assassination of President Lincoln, another revered President who was also born in February, another revered President, John Lincoln, another revered President, was the third Monday in February, renamed to make it a holiday; George Washington's Birthday. However, in 1968, legislation was enacted to simplify the Federal holiday schedule. As a result, Washington's birthday observance was moved to the third Monday in February, regardless of whether or not that day was February 22. Officially, President's Day is still known as Washington's Birthday, but it has become popularly known as President's Day to honor both Washington and Lincoln, as well as all who have served as President.

Why were President Washington and President Lincoln so widely and spontaneously revered by the public, even in the immediate aftermath of their deaths, before time had a chance to burnish their memories and fade their less enabling characteristics? Certainly, the great events that were shaped for the better by their decisions were a major factor. Both George Washington and Abraham Lincoln made a name for themselves as inspiring leaders of men and the Nation during pivotal wars in our Nation's history. Both demonstrated true patriotism, a deep love of the Nation that was translated through which they viewed all problems and made all decisions. Both men selflessly sacrificed their own personal lives to serve the Nation throughout their lives. In honor of President's Day, I urge everyone to listen to or read Washington's Farewell Address and apply its wisdom to the Nation's current situation and to the decision each of us will make in November. A collaborative effort between George Washington and the authors of The Federalist Papers, James Madison, Alexander Hamilton, and John Jay, Henry Cabot Lodge wrote of the Farewell Address that "... no man ever left a nobler political testament." In it, Washington supported the Federal Government as "... a main pillar in the edifice of your real independence ..." warned against a party system that "... tends to agitate the Community with ill-founded jealousies and false alarms ..." and "... kindles the animosity of one against another." He stressed the importance of religion and morality, famously warned against the entanglements of permanent foreign alliances, called the military establishment as "... inauspicious to liberty ..." and urged the Nation to "... cherish public credit ..." by using it as little as possible. Why then could the Nation avoid the entanglements of debt? He called for a prudent policy toward the payments of debts there must be Revenue, that to have Revenue there must be taxes; that no taxes can be devised, which are not inconvenient and unpleasant. For, he cannot have a debt without it, too—tax cuts and deficit spending cannot occur simultaneously if the economy is to remain sound over the long run.
Washington’s experience and wisdom may serve us well as the true litmus test to apply to our prospective 44th President. Mr. President, I close with a poem by the author of The Life of Abraham Lincoln, Josiah Gilbert Hol-land (1839-1881) called “God, Give Us Men!” Penned before women had won the right to vote, it nonetheless resonates today and applies to anyone, man or woman, who would lead our Nation. 

GOD, GIVE US MEN!

God, give us men! A time like this demands Strong minds, great hearts, true faith and real hands. Men whom the lust of office does not kill; Men whom the spoils of office can not buy; Men who possess opinions and a will; Men who have honor; men who will not lie; Men who can stand before a demagogue And damn his treacherous flatteries without winking! Tall men, sun-crowned, who live above the fog In public duty, and in private thinking; Their large professions and their little deeds, Mingle in selfish strife, lo! Freedom weeps, Their large professions and their little deeds, In public duty, and in private thinking; Tall men, sun-crowned, who live above the fog Men who can stand before a demagogue And damn his treacherous flatteries without winking! Tall men, sun-crowned, who live above the fog In public duty, and in private thinking; Their large professions and their little deeds, Mingle in selfish strife, lo! Freedom weeps, Their large professions and their little deeds, In public duty, and in private thinking; Tall men, sun-crowned, who live above the fog Men who can stand before a demagogue And damn his treacherous flatteries without winking!

Wrong rules the land and waiting Justice Mingle in selfish strife, lo! Freedom weeps, Their large professions and their little deeds, In public duty, and in private thinking; Tall men, sun-crowned, who live above the fog Men who can stand before a demagogue And damn his treacherous flatteries without winking!

Finally, I want to be able to grow the continent and allow people there to develop some sort of standard of living, some sort of quality of life and to be able to live, is to get the conflict out. One of the key things we need to go at in reducing the conflict is getting the money out of the conflict. We have had some success at this in the past. 

A decade ago, people were talking about blood diamonds in Western Africa and getting those out of the trafficked portion, out of the commodity business, and getting them into legiti- mate means of commerce. Out of that, we reduced the money into the con- flict, and, as a result, had a substantial impact on the conflict and reducing the conflict in Western Africa. 

I wish to show a picture to my col- leagues, many of whom I think prob- ably are not aware of what it is. This is coltan. It is a booming commodity that is in this item, I realize, and I hope my colleagues, particularly the Senator from West Virginia, will allow me to do this, what she did on the Senate floor, but to show this for pur- poses of demonstration of what this is doing and why it is important.

This is a BlackBerry. Cell phones used to get hot when people would use them for a period of time. They tried to figure out what we can do to try to cool them down. They found a sub- stance called coltan that they were able to transition into tantalum. It now carries the current in this elec- tronic equipment, and it is hot. Eighty percent of Africa’s coltan comes out of Congo. Eighty percent of the world’s coltan comes out of Africa, and most of this comes out of a conflict re- gion in Eastern Congo.

I believe most of this is funding a good portion of the conflict in Eastern Congo, where 1,500 people a day are dying because they cannot get access to medical care, they cannot get access to water, they cannot get access to education because of this conflict. And the conflict is funded by this stuff. It is funded by coltan.

There is a long history of what has been taking place in Congo. Many people remember reading such books as “The Heart of Darkness” and “King Leopold’s Ghost” and about the raiding that has taken place in Congo for a century. Unfortunately, we are in the latest chapter of that conflict.

In Joseph Conrad’s “Heart of Dark- ness,” Conrad describes King Leopold’s colonial project of the Democratic Re- public of Congo, then known as Congo Free State, as “the vilest scramble for loot that ever disfigured the history of human conscience.” Solely for the pur- pose of extracting a very precious man- ufacturing resource of the day—and that resource was rubber—King Leopold seized Congo and exploited the local population by turning it into a slave colony. During his 24-year tyr- anny of Congo Free State, 13 million Congolese died. Leopold’s legacy lives on in the coltan mining processes of today. 

That is chapter one.
Chapter 2: In November of 1965, Lieutenant-General Mobutu seized power of Congo, then known as Zaire, in a bloodless coup. During his 32-year dictatorship, he consistently exploited the natural resources of then Zaire. He evaded international human rights standards, and by the mid-1980s, Mobutu’s personal fortune was estimated at 5 billion U.S. dollars.

The end of the Cold War brought internal and external pressure upon Mobutu for a democratic transition, which began in 1997, with the support of Burundi, Uganda, and the Rwandan Tutsi Government. Laurent Kabila and his forces pushed Mobutu out of Government in a full-scale rebellion.

A repetitive pattern of alliances made and broken began, and by 1998 Kabila’s former allies in Uganda and Rwanda had turned against him. In 2001, Kabila was assassinated.

While his father and took charge of the country in 2001, it was not until November 2006 Joseph Kabila was democratically elected as the Congolese President. However, his control of Congo is limited. Today in the eastern region of Congo, violent thugs from at least four factions wage near constant war for control.

Chapter 3: Sadly, 100 years later, Conrad’s statement about the Congo was not only astute but prophetic. The corruption and exploitation of natural resources in the Congo has never stopped but has moved from hand to hand and moved from one resource to another: from rubber to diamonds, from diamonds to gold, from gold to coltan.

The issue of conflict coltan—so we are calling it “conflict coltan and “conflict commodities”—is not new. The coltan rush hit in the late 1990s, as the consumer electronics industry figured out we have a problem, we have to solve this, and coltan arrived to the rescue. By December of 2000, a pound of coltan was worth as much as $400.

In 2002, experts for the United Nations went to eastern Congo and wrote a report on their findings concerning the illegal exploitation of natural resources and other forms of wealth. The U.N. report documents the rebel groups’ use of forced labor, illegal monopolies, and civilian murder in their high-stakes game to extract these valuable resources.

I wish to show you a picture. This picture was taken in 2007 of some of the mining techniques of this coltan in the coltan rush. You can see a child here, in a very shallow mine, using a hammer and a pick to dig out coltan.

What is taking place is, many of these rebel groups will overrun a village, scatter the men, go directly to the coltan area, taking the women and children, and then start the extraction of coltan, to mine it and put it on the backs of people to carry it out at $400 a pound.

The U.S. Geological Survey has identified that most of the coltan mining in Congo is “artisan.” According to the U.N. report, most coltan mining is done by poor people, and many of them are children.

These novice miners, who are often held against their will, sift for coltan in riverbeds or dig it out of abandoned mines.

A report issued by the Johns Hopkins School of Advanced International Studies, a review in 2002, found that the “supply chain” of coltan is extensive and distorted. They state that Rwanda and Uganda were directly or indirectly appointing local rebel faction leaders and field commanders to serve as conduits for illicit trade originating from the occupied territories of eastern Congo. The war appears now to be self-financing.

Rebel movements were motivated by economic incentives rather than the pursuit of political ideals. Middlemen were then hired to form relationships with clients. They then facilitated transactions between those who controlled the resources and foreign corporations without the question of legitimacy.

At the time of the U.N. report of 2002, 34 foreign companies were identified in importing minerals from the Congo via Rwanda.

The war in Congo officially ended in 2003 with a signed peace agreement between the Congolese Government and the rebels.

Yet, at the same time, rebel factions still controlled the east, and there was no centrally elected government in Congo. Rwandan and Ugandan soldiers were still attacking territories in the provinces of Ituri and the Kivu across the border of eastern Congo.

With the election of President Kabila in 2006, it was reported that neighboring governments withdrew their troops from Congo.

But now chapter 4. The story continues. The recent and SAIS reports I have cited were published in 2001 and 2002 respectively. However, these pictures I am showing you were taken within the last 12 months.

The current fighting in eastern Congo—there was a peace agreement recently signed, and then it was broken 2 days ago—involves renegade GEN Laurent Nkunda and his group, the National Congress for the Defense of the People, the Mai-Mai rebels, the Hutu extremists, and those loyal to the Congolese Government.

Now, if all these names can seem a bit blurring to people, at the bottom line, I hope you can remember two factors here: 1,500 people a day dying because of this; $400 a pound for coltan, financing this death and destruction daily.

After the release of the U.N. report, we saw companies within the high-tech industry respond to the report by asking suppliers to certify that the tantalum—that is what coltan is processed into—tantalum they were purchasing did not originate from the eastern region of DRC.

These same companies stated that without certification they would not buy from the region of Central Africa. They were requesting that their tantalum be “conflict free” and from legitimate sources, and I applaud their efforts.

However, we do not know. From 2002 to 2005, Australia accounted for 54 percent of the world’s tantalum. Unfortunately, it is impossible to say with any certainty that the tantalum supply coming out of Australia is conflict free.

While we know this exploitation continues today, as it did 10 years ago, and we see the immense difficulty in tracking it, we will not turn a blind eye to this.

I met with people from the consumer electronics industry today to tell them we are going to focus on this because if they can fund the conflict so people can live free and be able to survive—get some clean water, get some health care, get some food—then we need to go at this. We should not fund this conflict. We should not be buying the product if it is coming from conflict areas. We should be able to certify that is the case.

I commend to my colleagues a recent report from the International Rescue Committee entitled, “The Democratic Republic of Congo, An Ongoing Crisis.” This was released on January 22 of this year, citing that 1,500 people a day are dying. In this report, we learn that since 1998, 5.4 million people have died, and 5.4 million. These deaths can be directly or indirectly attributed to the ongoing conflicts in the region, which can be attributed to the exploitation of natural resources, primarily coltan mining.

Death comes at the butt of a gun and with the bite of a mosquito. There casualties stem from the violence of this
brutal ongoing war, which has marred the country for the past 10 years, and from the resulting displacement of the Congolese. When you flee for your life in these areas of Congo, there is no other town or village in which to take shelter.

When you ask a Congolese about becoming displaced, their response to you is: Which time? They flee into the bush for months at a time with only the clothes on their back and a child in their arms.

Senator DURBIN and I went to Congo together 2 years ago. We saw some of the impact.

Chapter 5. I want to show you a specific story here, a heartbreaking story of one young boy and his family. This is a picture of a 3-year-old boy. He is one of the millions of victims of displacement and malnourishment. His family fled into the jungle from a rebel group that had burnt their village to the ground in the North Kivu Province in the first half of 2007. Most of Congo has lived in the jungle and has been constantly on the move. Food became scarce, and meals became as sporadic as two to three a week.

When his mother brought him and his younger brother to the local health clinic, they were immediately referred to an international humanitarian organization in the area. There, this young boy was diagnosed with malaria. They immediately began his treatments, which would have been refused.

His doctors then discovered he had been eating that which his mother could gather in the jungle and only once every 3 to 4 days. Due to lack of nutrition, he was anemic. As they started his anemia treatment, his body began to shut down; he rejected the oral and IV treatments.

This 3-year-old passed away within 8 hours of being diagnosed—minutes after this photo was taken. He is one of the millions from this raging complex conflict. As the IRC reports, the war is having direct and indirect impact on these deaths. While a small portion is dying directly from the conflict—bullets, bombs, and rifle butts—the majority are dying from malaria, malnourishment, diarrheas, and poor neonatal care.

While children under the age of 5 make up 19 percent of the population in the Congo, they comprise over 47 percent in the recent mortality study. Nineteen percent of the population under the age of 5, 47 percent of the deaths in Congo.

The national rate of mortality is 60 percent higher in the Congo than the average mortality rate in sub-Saharan Africa. Sexual violence and rape is also on the rise in the Congo and has become a symptomatic tool of war there.

The U.N. reported 4,500 sexual violence cases had been reported in South Kivu the first half of 2007. Most of these cases reported had been committed by some of the 6,000 to 7,000 members of foreign armed groups operating in the eastern part of the Congo, funded by coltan that we purchase to put in our Blackberries.

The U.N. reported that the Congolese national army, national police force, and increasing numbers of civilians were also brutalizing women, often raping them, with political rivals. Perpetrators are making no distinctions between women and children. The local hospital in Goma, Congo, where Senator DURBIN and I both visited, a hospital named Heal Africa, tells a story of a 13-year-old girl who had been raped by her perpetrators that she couldn’t walk for 2 weeks. She then walked approximately 7 miles to a facility for treatment. Her doctors reported her internal injuries were beyond their imagination.

A collapse in infrastructure such as the one we see in the Congo does not happen overnight. This is due to an ongoing 10-year conflict which has exploited that country, its people, its challenges, and its natural resources are at the root of that exploitation.

I want to show another display here. In spite of their sad history, the Congo is a beautiful country with resilient people. It is common in this part of the world—well before this a Blackberry that we buy.

My colleagues can see here in the pictures taken of a very rudimentary mine, but a mining operation of coltan in the Congo; rebel child soldiers—very common in this part of the world—well armed, deadly; a coltan battery, and cell phones.

Peace agreements call for implementation of a commission to oversee the conflict in this region. The Goma peace agreement was signed on January 22, 2008. I mentioned that previously, and that has recently been broken. The immediate cease-fire of the peace agreement was broken the first time within 5 days after it took place. While we must play our part, they must play their part as well, and I strongly urge all parties in that region to respect their commitments within this agreement.

The peace agreement calls for implementation of a commission to oversee disarmament of the Nkunda rebels and the extremist fighters. These fighters will either integrate into the Congolese national army or demobilize.

I strongly urge the implementation of these terms. This is another step in the right direction for the Congo and its people. However, I feel that as long as there is demand for valuable Congolese resources and thugs with the power to control these resources, this will not be the final chapter of this conflict. It has happened for too long.

The United States is completely dependent on foreign supplies of tantalum, and we admit to this. Both the "Minerals Yearbook," published by the U.S. Geological Survey, and the Department of Strategic and Critical Material Report to the Congress, coltan, also known as tantalum, is classed as a "critical" mineral.

In the coming days I will be introducing legislation requiring certification of the origin of coltan for all U.S.-based companies that use tantalum in manufacturing. It will further require manufacturers who use tantalum to have a certificate of origin. All we want to do with this is make sure that the coltan, the tantalum we are using, comes from legitimate sources. That is all we are asking. As a supply chain, the Congolese government can set this up, saying that we register and license and saying this is the coltan that is coming out of here, coming from legitimate sources. I am fine with that. But we want that and we want to know where it is coming from and that is that it is not conflict coltan that is used to pay for the suffering of so many people.

We all must be good actors in this chain. With 1,500 people dying a day, there is no room for turning a blind eye on this matter.

American greatness has always been founded on our fundamental goodness. We need to be a nation where the strong protect the weak and people of privilege assist those in poverty. It says a lot about the kind of America we all should work for when we speak out against this type of tragedy and commit ourselves to those who are suffering there.

I will be sending around a "Dear Colleague" letter about this. I will be happy to supply more information.

There are a number of reports from the United Nations and from Johns Hopkins that I have been citing, and others. We have some photographs of what is taking place presently, and I ask simply that if people are going to cause this suffering which we completely disagree with, they are not going to do it by us paying for it.

Mr. President, I thank the Chair.

COMMENDING SENATOR DANIEL K. INOUYE

Mr. BYRD. Mr. President, with great pleasure I extend my most heartfelt congratulations to our esteemed colleague, the senior Senator from Hawaii, DANIEL K. INOUYE, for casting his 15,000 vote in the Senate.

Many times on this floor I have referred to Senator INOUYE as my “No. 1 hero” and he is. Few have ever served our country more bravely and with more loyalty and determination than has Senator INOUYE.
Daniel Inouye was a member of the famed 442nd Infantry Regimental Combat Team of World War II, the most decorated Army unit in U.S. history. During one bloody battle, Platoon Leader Inouye led an assault on a heavily defended Japanese position. Although gravely wounded, he still managed to destroy three Nazi machine gun nests. Anyone who is not familiar with the details of this amazing display of heroism should make it a point to become so.

For his incredible heroism, Dan Inouye was awarded the Distinguished Service Cross, the Bronze Star, the Purple Heart, and the Congressional Medal of Honor, making him one of only seven Senators to have achieved our Nation’s highest military honor. Senator Inouye is the Senate’s only Congressional Medal of Honor recipient from World War II.

In 1963, he became the first Japanese American to serve in the U.S. Senate, where he continues to represent his State and our country with great distinction and dedication. This man of incredible integrity has worked tirelessly in the Senate on behalf of his constituents for countless years. Senator Inouye served on the Select Committee on Presidential Campaign Activities—Watergate Committee—the Select Committee on Secret Military Assistance to Iran, and the Nicaraguan Opposition. Iran-Contra. He is the next in line on the Democratic side to chair the Senate Appropriations Committee and is currently the chairman of the Appropriations Subcommittee on Defense. He also served as Secretary of the Democratic Conference from 1977 to 1989. I have always respected Danny’s deep loyalty to the Senate. I will always appreciate his loyalty to me when I was the Senate Democratic leader and I relied on his sage advice.

Senator Inouye is now the fourth longest serving U.S. Senator in history.

With today’s vote, he is now the fourth U.S. Senator in history to have cast 15,000 votes.

Mr. President, I again congratulate my good friend, my outstanding colleague, and my “No. 1 hero” for another important milestone in his outstanding life:

God, give us men!

A time like this demands strong minds, Great hearts, true faith, and ready hands.

Men whom the lust of office does not kill; Men whom the spoils of office cannot buy;

Men who are possessors of opinions and a will:

Men who have honor; men who will not lie.

Men who can stand before the demagogue

And brave his treacherous flatteries without winking;

Tall men, sun-crowned; Who live above the fog,

Tall men, sun-crowned; Who live above the fog,

And brave his treacherous flatteries without winking;

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And brave his treacherous flatteries without winking;
I call on all Members of Congress, on both sides of the aisle and in both Chambers, to join with me to ensure that the Office of Government Information Services is promptly established and fully funded within the National Archives. The American people have waited for decades for a dedicated OGIS office and for the other historic FOIA reforms contained in the OPEN Government Act. They should not be forced to wait any longer.

Mr. President, I ask unanimous consent that a copy of a letter from a coalition of more than 40 different open government organizations that strongly oppose moving the Office of Government Information Services to the Department of Justice be printed in the RECORD.

Congress must work to beat back the administration’s ill-advised attempts to undermine the intent of Congress in a bill that this President signed into law. In the coming weeks and months, I will be working with other advocates of FOIA in the Senate to do just that.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

February 8, 2008.

Hon. ROBERT C. BYRD, Chairman
Hon. THAD COCHRAN, Ranking Member,
Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR CHAIRMAN BYRD AND RANKING MEMBER COCHRAN: We are writing to express our concern that the Bush Administration’s proposed 2009 budget attempts to rewrite a section of law and shift funding for a new Office of Government Information Services (OGIS) at the National Archives and Records Administration (NARA) to the Department of Justice (DOJ). President Bush signed the Openness Promotes Effectiveness in our National Government Act (OPEN Government Act), which creates OGIS at NARA, a mere five weeks ago. We urge you to ensure the President’s budget reflects congressional intent and the explicit mandate of the statute as the budgetary process unfolds.

Currently, the president’s budget proposes: “The Department of Justice shall carry out the responsibilities of the office established in 5 U.S.C. 552(h), from amounts made available in the Department of Justice appropriation for General Administration Salaries and Expenses. In addition, subsection (b) of section 352 of title 5, United States Code, is hereby repealed, and subsections (i) through (k) are redesignated (h) through (k). (Commerce, Justice, and Related Agencies Appropriations Act, 2008.)” (Section 519 of Title V of the Department of Commerce: p. 239 of the Appendix)

The OPEN Government Act (P.L. 110-175) established OGIS specifically at NARA. It did so as a result of congressional findings that interests promoted by the Freedom of Information Act (FOIA), as well as American traditions and ideals regarding the value of an informed citizenry and the legitimacy of representative government, were being insufficiently served by the existing system of agency practices and implementation, in which DOJ has been the lead agency for 30 years. Additionally, since it is the responsibility of the Department to defend its government-agency clients in litigation brought by requestors, there is a built-in conflict of interest in vesting DOJ with responsibilities to regulate information that it holds accountable for FOIA implementation. Congress specifically directed the creation of an ombudsman office apart from the Department of Justice for mediation of contested requests, thus reducing the amount, and concomitant costs, of litigation—benefiting not only DOJ but also the public.

We strongly oppose this effort to use the budget process to rewrite the law, undermining congressional intent and flouting a specific statutory mandate. We urge you to appropriate necessary funds to establish the Office of Government Information Services in the National Archives and Records Administration, as your legislation wisely requires, and, to reinforce the intent of the OPEN Government Act, reject Section 519 of the proposed budget.

Sincerely,

Access Reports, Inc.; American Association of Law Libraries; American Association of Publishers; American Civil Liberties Union; American Library Association; American Booksellers Foundation for Free Expression; Association of Research Libraries; Bill of Rights Defense Committee; Californians Aware; Citizens for Responsibility and Ethics in Washington; Citizens for Sunshine; Coalition on Political Assassinations; DownsizeDC.org, Inc.; Electronic Frontier Foundation; Essential Information; Freedom of Information; Government Accountability Project; Indiana Coalition for Open Government; The James Madison Project; Justice Through Music; League of Women Voters of the U.S.; Liberty Coalition; Maine Association of Broadcasters; Minnesota Coalition on Government Information; National Coalition Against Censorship; National Freedom of Information Coalition; The National Security Archives; ONR Research Group; OMH Watch; Open Society Policy Center; OpenTheGovernment.org; PEN American Center; Project On Government Oversight; Public Citizen; ReadTheBill.org Foundation; The Ruth Institute; Society of Professional Journalists; Society of Professional Journalists of Montana; Professional Chapter; Special Libraries Association; Sunshine Foundation; United States Bill of Rights Foundation; Veterans for Common Sense; National Alliance for Open Government.

AMERICAN SOCIETY OF HEMATOLOGY

Mr. SPECTER. Mr. President, I congratulate the American Society of Hematology—ASH—on its 50th anniversary and to pay tribute to the contributions they have made preventing and eliminating blood related diseases.

The society has grown substantially from its 200 members at its inception in 1958, to over 15,000 members presently, and is recognized as the world’s premier organization in research, treatment, clinical care, education, training, and advocacy in the field of hematology.

Society members consist of practitioners and researchers who have been able to translate Federal research dollars into effective treatments for millions of people afflicted with diseases that were at one time untreatable and fatal. The blood and blood-related diseases studied and treated by hematologists include disorders such as leukemia and lymphoma, thrombosis, anemia and bleeding, and congenital disorders such as sickle cell anemia, hemophilia, and thalassemia. The advances and treatments in research, the society says, are a direct result of the continuing efforts made by the AHS.

I sustained an episode with Hodgkin’s lymphoma cancer 2 years ago. That trauma, that illness, I think, could have been prevented had that war on cancer declared by the President Nixon in 1970 been prosecuted with sufficient intensity. All of us know people who have been strucken by fatal diseases and many other maladies. It is my hope that other organizations will use the success of the AHS as an example in contributing to this Nation’s desire for finding cures for the most fatal diseases.

As chairman, and now ranking member of the appropriations Subcommittee on Labor, Health and Human Services, I have been an ardent supporter of securing Federal funds for the National Institutes of Health the crown jewel of the Federal Government, maybe the only jewel of the Federal Government. Health is the country’s No. 1 capital asset, and the American Society of Hematology has contributed to its success.

Hematologists have been instrumental in pioneering the use of drugs to treat forms of leukemia and lymphoma. For instance, they developed the first anti-cancer drug developed to target a molecular problem that causes chronic myelogenous leukemia.

The American Society of Hematology has played an important role in the unprecedented growth and advancement of hematology research. With so many groundbreaking advances in recent years, I am confident the next 50 years will bring ASH and its over 15,000 members even more accomplishments in treating and eliminating blood diseases.

ADDITIONAL STATEMENTS

COMMENDING ESTHER G. KEE

Mr. AKAKA. Mr. President, it is a privilege for me to honor Mrs. Esther G. Kee who is retiring as president of the United States-Asia Institute which she cofounded with the late Joji Kosakihama in 1963, with the support and direction of then-President Jimmy Carter.

The objectives of the United States-Asia Institute are to promote better understanding between the United States and Asia, to conduct work and educational activities, and to maintain close ties with Asian diplomatic missions, to organize international and
conferences and symposiums in the U.S. and Asia on political, economic, and security topics, and to host small, off-the-record meetings of American and Asian officials, businessmen and academic leaders providing a venue for free and open discussions and exchange of views.

Under Mrs. Kee's stewardship, the institute has successfully met its objectives, and I am confident that it will continue to do so under the tutelage of her successor. One of Mrs. Kee's most successful initiatives has been staff travel grants which she has organized and led. As an example, there were 70 staff travel grants and 800 senior congressional staff that traveled to China to meet and discuss issues with high government officials. This has facilitated mutual understanding, a core objective, and people-to-people diplomacy the benefits of which will continue to inure to our mutual benefit.

As Mrs. Kee retires from active leadership of the United States-Asia Institute, I have every confidence that she will continue to be active in the institute and United States-Asia relations as a valued adviser. On a personal level, I look forward to her continued counsel and advice.

Mahalo nui loa—thank you very much—Esther G. Kee, for all that you have done on behalf of our country in its continuing and important mission of promoting better understanding between the United States and Asia.

CONGRATULATING JOSEPH M. DELL'Olio

Mr. BIDEN. Mr. President, I wish today to commend someone whom I have admired for my entire time in this body, a man who has committed his life to helping society's most vulnerable. Joe Dell'Olio, who is retiring after 35 years at Child, Incorporated, is a dedicated public servant in the true sense of the word.

Joe started at Child, Inc., of Wilmington after spending his early career fighting to reduce Delaware's crime rate. As the 2nd assistant executive director of the Delaware Agency to Reduce Crime, we saw the crime rate cut by 7 percent. As the head of the agency responsible for leading that fight, perhaps no one was due more credit than Joe.

Joe then joined Child, Inc. in 1973, the same year I was sworn in to the Senate. As executive vice president, he was responsible for the development and advocacy of a wide range of advocacy and service programs for victims of domestic violence and their families. Joe and I grew together as we fought to empower and protect victims of domestic violence in our community.

While I labored in the Senate to write and pass the Violence Against Women Act, Joe Dell'Olio was on the front lines in our battle. He was the one on the street, in the counseling room. He was the one securing legal help when victims could not afford it. And he was the one who made sure someone was there when a victim had nowhere to go.

I consider the Violence Against Women Act my proudest legislative accomplishment. But the Joe Dell'Olios of the world are the ones who deserve the credit for our progress. Joe has received several awards, including some from the U.S. Departments of Justice and Health and Human Services.

Throughout my career, I have been profoundly moved by some of the finest public servants our Nation has ever known, those who committed their lives to the greater good. None have been more unwaveringly focused on a worthy cause than has Joe Dell'Olio. From the streets of Philadelphia to the family of his own. Joe's tireless sense of duty and his unrelenting service never cease to amaze me.

I wish him the best in all his future endeavors.

100TH ANNIVERSARY OF THE CITY OF LARKSPUR

Mrs. BOXER. Mr. President, I take this opportunity to recognize the 100th anniversary of the city of Larkspur, located in Marin County, CA.

The city of Larkspur was incorporated into California on March 1, 1908. This year, we celebrate its centennial anniversary. With a downtown that is listed on the National Register of Historic Places, the architecture that defines the city of Larkspur has fascinated and charmed visitors for decades. Its historical structures and natural surroundings provide residents and visitors alike a glimpse of California the way it was at the start of the 20th century.

The city is divided into two distinct areas, with its historic downtown area to the west of Highway 101 and Larkspur Landing, an outdoor shopping area with sublime bay views, to the east of Highway 101. Just across the street from Larkspur Landing, travelers can catch the Larkspur Ferry to the San Francisco Ferry Building, a ride that offers spectacular views of the Golden Gate Bridge. This outstanding natural scenery in the midst of such a finely preserved historical setting makes the slogan “Meet me in Larkspur” a common phrase amongst residents and visitors alike.

From the preservation of historic Magnolia Avenue to the conservation of the celebrated Blue Rock Inn, the city of Larkspur offers visitors a visual tour of early California as it was in the early 1900s. For 100 years, the city of Larkspur has not only served as a recreational escape and historical wonderland for those visiting the city but a place to call home for its residents. The city of Larkspur for maintaining the natural beauty and historical significance that defines this fine city.

The city of Larkspur's vision and commitment to protecting its small piece of California history should be commended. I congratulate the city of Larkspur for its hard work on this special occasion, and I look forward to future generations having the opportunity to visit and enjoy this unique city.

RETIEMENT OF CAROLYN DOWNS

Mr. JOHNSON. Mr. President, I wish to recognize the service of Carolyn Downs. She has tirelessly worked on behalf of the poor throughout her life, including many years of outstanding service as the director of The Banquet in Sioux Falls, SD. Carolyn has been committed to providing a safe place where people may gather to receive nourishment and fellowship.

Throughout her 20 years at The Banquet, Carolyn has touched the lives of innumerable needy individuals and families. Her devotion to feeding the hungry sets an example to the community of a life devoted to the betterment of people all over South Dakota. All of the guests that she has served have seen what is described as her cheerful spirit.

Her work at The Banquet has not only touched the lives of the hungry but has given many South Dakotans an opportunity to volunteer and become involved in their community. Carolyn's work has brought out the best in people around her and is an inspiration to all of South Dakota.

Under her leadership, The Banquet turned into a vital resource center involving the hungry and the homeless of the pillars of the Sioux Falls community. Her humility, grace, leadership skills, and humble service will be greatly missed when she retires. All of her work has not been for public praise or external reward but, rather, a deeply held belief in serving others. The State of South Dakota and all of its residents owe her a debt of gratitude for all that she had done to better it.

Mr. JOHNSON. Mr. President, I wish Carolyn Downs to be retiring this February. Though her day-to-day presence at The Banquet will be greatly missed, her years of hard work are appreciated by all that volunteer and use The Banquet. I applaud Carolyn Downs’s service and thank her for her time and efforts.

TRIBUTE TO LABRADFORD EAGLE DEER

Mr. JOHNSON. Mr. President, today I wish to offer a statement about a distinguished South Dakota youth, LaBradford Eagle Deer. LaBradford, 16, of St. Francis, SD, was one of two teens who represented the United States at the United Nations' observation of the 20th International Day for the Eradication of Poverty last October. I would like to commend all of the world were chosen to speak at the event on a panel about what they thought needed to be done about poverty.

According to the United Nations’ Web site, the U.N. General Assembly declared October 17 as the International Day for the Eradication of
Baxter County treasurer from 1960 to 1964 before being elected to the Arkansas House. As a State legislator, she focused on issues affecting the elderly and was asked by then-Governor Dale Bumpers to serve as a representative to the White House Conference on Aging.

In 1976, Mrs. Sheid sought higher office and was elected to the Arkansas Senate. She served in that capacity until 1985. Shortly thereafter, then-Governor Bill Clinton appointed her to the Arkansas Police Commission, where she served as chairman.

Mrs. Sheid had many great accomplishments in the Arkansas Legislature. She sponsored legislation creating Arkansas State University-Mountain Home and North Arkansas Community College in Harrison. She also authored legislation to construct the twin bridges over Lake Norfork, as well as numerous highway projects.

Mr. President, as a woman growing up in Arkansas, Vada Sheid was a true inspiration to me and many others. The example she set is one that I can only hope to follow. She will be missed by all Arkansans. At this time, my thoughts and prayers go out to her family.

REMEMBERING MIKE WILSON

Mrs. LINCOLN. Mr. President, I speak with great sadness as I remember the life of a great Arkansan who passed away on February 8, 2008: Michael Evans "Mike" Wilson.

For the last 20 years, Mike served as the chairman and CEO of Lee Wilson Furniture Company, a business that began to serve our family, with her husband Carl in Mountain Home.

LaBradford is an example to other poverty stricken children, and I commend his efforts to alleviate the effects of poverty on children in South Dakota and children worldwide.

REMEMBERING VADA SHEID

Mrs. LINCOLN. Mr. President, it is with a heavy heart that today I honor one of the true pioneers for women in Arkansas, Vada Webb Sheid, who passed away this past Monday. Mrs. Sheid was a remarkable woman who was an enterprising entrepreneur and built a business, Sheid’s Furniture Company, with her husband Carl in Mountain Home.

But Mrs. Sheid is best remembered as a dedicated public servant who became the first woman in Arkansas to serve in both the Arkansas House of Representatives and the Senate.

She began her public service at 19 years old when she became the Izard County welfare director. Soon after, she met Carl, and they opened the area’s first self-serve food market in Mountain Home. During World War II, Carl was drafted in the Army, and Mrs. Sheid went to work as a payroll clerk for a company building the Norfork Dam. After the war, they opened up a grocery store before finally starting the Sheid's Furniture Company in 1957, which her family still runs today.

It was around this time that Mrs. Sheid began to consider furthering her career in public service. She served as the County welfare director. Soon after, she was elected to the Arkansas Senate. She served in that capacity until 1985. Shortly thereafter, then-Governor Bill Clinton appointed her to the Arkansas Police Commission, where she served as chairman.

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Mr. President, as a woman growing up in Arkansas, Vada Sheid was a true inspiration to me and many others. The example she set is one that I can only hope to follow. She will be missed by all Arkansans. At this time, my thoughts and prayers go out to her family.

REMEMBERING MIKE WILSON

Mrs. LINCOLN. Mr. President, I speak with great sadness as I remember the life of a great Arkansan who passed away on February 8, 2008: Michael Evans "Mike" Wilson.

For the last 20 years, Mike served as the chairman and CEO of Lee Wilson Furniture Company, a business that began to serve our family, with her husband Carl in Mountain Home.

LaBradford is an example to other poverty stricken children, and I commend his efforts to alleviate the effects of poverty on children in South Dakota and children worldwide.

REMEMBERING VADA SHEID

Mrs. LINCOLN. Mr. President, it is with a heavy heart that today I honor one of the true pioneers for women in Arkansas, Vada Webb Sheid, who passed away this past Monday. Mrs. Sheid was a remarkable woman who was an enterprising entrepreneur and built a business, Sheid’s Furniture Company, with her husband Carl in Mountain Home.

But Mrs. Sheid is best remembered as a dedicated public servant who became the first woman in Arkansas to serve in both the Arkansas House of Representatives and the Senate.

She began her public service at 19 years old when she became the Izard County welfare director. Soon after, she met Carl, and they opened the area’s first self-serve food market in Mountain Home. During World War II, Carl was drafted in the Army, and Mrs. Sheid went to work as a payroll clerk for a company building the Norfork Dam. After the war, they opened up a grocery store before finally starting the Sheid’s Furniture Company in 1957, which her family still runs today.

It was around this time that Mrs. Sheid began to consider furthering her career in public service. She served as
front parlor of their house in 1915. From this humble start, Haven’s Candies has grown to become a well-known name in candy making. The company now has a factory and store in Westbrook, as well as retail locations in Windham and Portland, one block from the house where Haven’s began. A founding member of the Senate Committee on Small Business and Entrepreneurship, I am particularly pleased that the U.S. Small Business Administration has been able to help Haven’s over the years through financing and other assistance.

Using time-tested methods, Haven’s still handcrafts its candies. Haven’s offers customers an extensive array of exquisite goods, including homemade fudge, marzipan, jumbo peanut butter cups, and buttercrunch toffee. The company also produces a variety selection of sugar-free candies, including peanut brittle and cashew turtles. Some of the time-themed candies sold at Haven’s include the needham, a chocolate with a soft potato, coconut, and vanilla center, and delicious blueberry creams, celebrating Maine’s rich heritage of blueberry harvesting. Perhaps Haven’s most impressive production is its salt water taffy. Made by hand, its dozens of unique flavors include creamscicle, maple, and watermelon. Haven’s salt water taffy has attracted significant attention, and retailers of the candy include Maine’s own L. L. Bean.

Haven’s production methods allow for the romantic in all of us to surprise our sweethearts any day of the week. The company can make monogrammed chocolates and offers personalized packaging to create anyone’s favorite combination of sweets. For Valentine’s Day, Haven’s offers chocolate-dipped strawberries, fancy hearts filled with a mix of chocolates, and the unique Valentine party tray, which includes a heart-shaped tray filled with mixed nuts. Haven’s also makes assorted holiday gifts for other occasions, including Easter and Father’s Day. The company holds a free open house every Columbus Day when children can make their own candy at the factory. Additionally, Haven’s raises funds annually for the Center for Grieving Children by hosting “make your own candy cane” events.

On Valentine’s Day, we take the opportunity to enjoy the sweeter side of life. Luckily for the employees of Haven’s Candies, they get to enjoy it every day! Not only is the candy they produce scrumptious, but their work ethic is exemplary, and their dedication to putting smiles on the faces of children of all ages is commendable. I congratulate owner Andy Charles and everyone at Haven’s who continue to make delectable candies nearly 100 years after this company’s remarkable inception and wish them future success.

MESSAGES FROM THE PRESIDENT
Messages from the President of the United States were communicated to the Senate by Mrs. Newman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED
As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees. (The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR
The following bills were read the second time, and placed on the calendar:

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.

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. HAGEL:
S. 2637. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion for gain from the sale of farmland to encourage the continued use of the property for farming, and for other purposes; to the Committee on Finance.

By Mr. KOHL:
S. 2638. A bill to change the date for regularly scheduled Federal elections and establish polling place hours; to the Committee on Rules and Administration.

By Mr. HINCHON (for himself and Ms. SNOWE):
S. 2639. A bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care; to the Committee on Veterans’ Affairs. By Mr. BURR (for himself, Mr. CORNYN, and Mr. CRAIG):
S. 2640. A bill to amend title 38, United States Code, to enhance and improve insurance, housing, labor and education, and other benefits for veterans, and for other purposes; to the Committee on Veterans’ Affairs.

By Mr. GRASSLEY (for himself and Mr. KOHL):
S. 2641. A bill to amend title XVIII and XIX of the Social Security Act to improve the transparency of information on skilled nursing facilities and nursing facilities and to clarify and improve the targeting of the enforcement of requirements with respect to such facilities; to the Committee on Finance.

By Ms. KLOBUCHAR (for herself, Ms. SNOWE, and Ms. CANTWELL):
S. 2642. A bill to establish a national renewable energy standard, to extend and create new renewable energy tax incentives, and for other purposes; to the Committee on Finance.
SUBMISSION OF CONCURRENT AND
SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and
referred (or acted upon), as indicated:

By Mr. DURBIN (for himself, Mr. HATCH, Mr. MENENDEZ, Mr. SPECTER, and Mr. BROWN):
S. Res. 454. A resolution designating the month of March 2008 as “MRSA Awareness Month”; to the Committee on the Judiciary.

By Mr. DURBIN (for himself, Mr. BIDEN, Mr. BROWNBACK, Mr. FINK- GOLDB, Mr. COLEMAN, Mr. VINOVICH, and Mr. MENENDEZ):
S. Res. 455. A resolution calling for peace in Darfur; to the Committee on Foreign Relations.

By Ms. SNOWE (for herself, Ms. COLLINS, and Mr. SUNUNU):
S. Res. 456. A resolution directing the United States to undertake bilateral discussions with Canada to negotiate an agreement to conserve populations of large whales at risk of extinction that migrate along the Atlantic seaboard of North America; to the Committee on Foreign Relations.

By Mr. REID:
S. Res. 457. A resolution recognizing the cultural and historical significance of the Chinese New Year or Spring Festival; considered and agreed to.

ADDITIONAL COSPONSORS

S. 60
At the request of Mr. INOUYE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 60, a bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children.

S. 702
At the request of Mr. KOHL, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 702, a bill to authorize the Attorney General to award grants to State courts to develop and implement State courts interpreter programs.

S. 791
At the request of Mr. LEVIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 791, a bill to establish a collaborative program to protect the Great Lakes, and for other purposes.

S. 911
At the request of Mr. REED, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 911, a bill to amend the Food, Drug, and Cosmetic Act, to improve the screening of non-compliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

S. 1439
At the request of Mr. REID, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1439, a bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 182
At the request of Mr. DODD, the name of the Senator from Illinois (Mr. AKAKA) was added as a cosponsor of S. 182, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 1418
At the request of Mr. REID, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1418, a bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 139
At the request of Mr. PRIEST, his name was added as a cosponsor of S. 139, bills to amend the Clean Air Act to reduce air pollution from marine vessels.

S. 1499
At the request of Mrs. BOXER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1499, a bill to amend the Clean Air Act to reduce air pollution from marine vessels.

S. 166
At the request of Mr. BOND, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 166, a bill to improve defense cooperation between the Republic of Korea and the United States.

S. 1006
At the request of Mr. BONNIE, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1006, a bill to understand and comprehensively address the oral health problems associated with methamphetamine use.

S. 1907
At the request of Mr. BAUCUS, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1907, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to understand and comprehensively address the in- mate oral health problems associated with methamphetamine use, and for other purposes.

S. 1921
At the request of Mr. WEBB, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1921, a bill to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes.

S. 2045
At the request of Mr. DODD, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 2045, a bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of non-compliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

S. 2136
At the request of Mr. PRIOR, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2136, a bill to address the treatment of primary mortgagees in bankruptcy, and for other purposes.

S. 2132
At the request of Mr. REED, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2132, a bill to amend the Public Health Service Act with respect to mental health services.

S. 2209
At the request of Mr. HATCH, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 2209, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other pur- poses.

S. 2228
At the request of Mr. ROBERTS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2228, a bill to provide for the award of a military service medal to members of the Armed Forces who were exposed to ionizing radiation as a result of participation in a test of atomic weapons.

S. 2260
At the request of Mr. CORNYN, his name was added as a cosponsor of S.
At the request of Mr. Coburn, the names of the Senator from Georgia (Mr. Chambliss), the Senator from Mississippi (Mr. Wicker) and the Senator from Kansas (Mr. Brownback) were added as cosponsors of amendment No. 3967 intended to be proposed to S. 2483, a bill to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes.

AMENDMENT NO. 4023

At the request of Ms. Mikulski, the names of the Senator from Maine (Ms. Collins), the Senator from Maryland (Mr. Cardin), the Senator from Ohio (Mr. Voinovich), the Senator from Iowa (Mr. Harkin), the Senator from Pennsylvania (Mr. Casey), the Senator from New York (Mrs. Clinton), the Senator from Vermont (Mr. Sanders) and the Senator from Oregon (Mr. Wyden) were added as cosponsors of amendment No. 4023 proposed to S. 1200, a bill to amend the Indian Health Care Improvement Act to revise and extend the Act.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. K Kohl:

S. 2638. A bill to change the date for regularly scheduled Federal elections and establish polling place hours; to the Committee on Rules and Administration.

Mr. Kohl. Mr. President, today I rise to introduce the Weekend Voting Act. This legislation will change the day for Congressional and Presidential elections from the first Tuesday in November to the first weekend in November. This legislation is nearly identical to legislation that I first proposed in 1997.

Currently, we are in the midst of the most serious business of our democracy—the primary elections to select the nominees to be our next President. We all want every eligible voter to participate and cast a vote. But recent elections have shown us that unneeded obstacles are preventing citizens from exercising their franchise. The debacle of defective ballots and voting methods in Florida, the election galvanized Congress into passing major election reform legislation. The Help American Vote Act, which was enacted...
into law in 2002, was an important step forward in establishing minimum standards for States in the administration of Federal elections and in providing funds to replace outdated voting systems and improve election administration. However, there is much that still needs to be done.

With more and more voters needing to cast their ballots on election day, we need to build on the movement which already exists to make it easier for Americans to vote. To assist their ballots by providing alternatives to voting on just one election day. Twenty-eight States, including my own State of Wisconsin, now permit any registered voter to vote by absentee ballot. These States constitute nearly half of the voting age citizens of the U.S. Thirty-one States permit in-person early voting at election offices or at other satellite locations. The State of Oregon now conducts statewide elections completely by mail. These innovations are critical if we are to conduct fair elections, for it has become unreasonable to expect that a Nation of 300 million people can line up at the same time and cast their ballots at the same time. And if we continue to try to do so, we will encounter reports of broken machines and long lines in the rain and registration errors that create barriers to voting.

That is why I have been a long-time advocate of moving our Federal election day from the first Tuesday after the first Monday in November to the first weekend in November. Holding our Federal elections on a weekend will create more opportunities for voters to cast their ballots and will help end the gridlock at the polling places which threaten to undermine our elections.

Under this bill, polls would be open nationwide for a uniform period of time from 7 a.m. Saturday eastern time to 7 p.m. Sunday local time. Polls in all time zones would in the 48 contiguous States also open and close at this time. Election officials would be permitted to close polls during the overnight hours if they determine it would be inefficient to keep them open. Because the polls would be open on both Saturday and Sunday, they also would not interfere with religious observances.

Keeping polls open the same hours across the continental U.S. also addresses the challenge of keeping voters on one side of the country, or even a State, from influencing voting in places where polls are still open. Moving elections to the weekend will expand the pool of buildings available for polling stations and people available to work at the polls, addressing the critical shortage of poll workers.

Most important, weekend voting has the potential to increase voter turnout by giving all voters ample opportunity to get to the polls without creating a national holiday. There is already evidence that holding elections on a non-working day can increase voter turnout. In one survey of 44 democracies, 29 held elections on holidays or weekends and in all these cases voter turnout surpassed our country’s voter participation rates.

In 2001, the National Commission on Federal Election Reform recommended that we move our federal election day to a national holiday, in particular Veterans Day. As expected, the proposal was not well received among veterans and I do not endorse such a move, but I share the Commission’s goal of moving election day to a non-working day.

Since the mid 19th century, election day has been on the first Tuesday of November. Ironically, this date was selected because it was convenient for voters. Tuesdays were traditionally court day, and landowning voters were often coming to town anyway.

Just as the original selection of our national voting day was done for voter convenience, we must adapt to the changes in our society to make voting easier for the regular family. We have outgrown our tradition, a location two days before the election, a tradition better left behind to a bygone horse and buggy era. In today’s America, 60 percent of all households have two working adults. Since most polls in the United States are open only 12 hours on a Tuesday, from 7 a.m. to 7 p.m., voters often have only one or two hours to vote. As we have seen in recent elections, long lines in many polling places have kept some voters waiting much longer than one or two hours to vote, and are dropping them off at day care, or if they have a long work commute, there is just not enough time in a workday to vote.

With long lines and chaotic polling places becoming the unacceptable norm in many communities, we have an obligation to reform how our Nation votes. If we are to grant all Americans an equal opportunity to participate in the electoral process, and to elect our representatives in this great democracy, then we must be willing to reexamine all aspects of voting in America. Changing our election day to a weekend may seem like a change of great magnitude. Given the stakes—the integrity of future elections and full participation by as many Americans as possible—I hope my colleagues will recognize it as a common sense proposal whose time has come.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD.

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

SEC. 1. SHORT TITLE. This Act may be cited as the “Weekend Voting Act”.

SEC. 2. CHANGE IN CONGRESSIONAL ELECTION DAY TO SATURDAY AND SUNDAY. Section 25 of the Revised Statutes (2 U.S.C. 7) is amended to read as follows:

"SEC. 25. The first Saturday and Sunday after the first Friday in November, in every even numbered year, are hereby designated as days for the election, in each of the States and Territories of the United States, of Representatives and Delegates to the Congress commencing on the 3d day of January thereafter.

"SEC. 3. CHANGE IN PRESIDENTIAL ELECTION DAY TO SATURDAY AND SUNDAY. Section 1 of title 3, United States Code, is amended by striking “Tuesday next after the first Monday” and inserting “first Saturday and Sunday after the first Friday”.

"SEC. 4. POLLING PLACE HOURS.

(1) PRESIDENTIAL GENERAL ELECTION.—Chapter 1 of title 3, United States Code, is amended—

(A) by redesignating section 1 as section 1A; and

(B) by inserting before section 1A the following:

"1. Polling place hours

(a) DEFINITIONS.—In this section:

(1) PRESIDENTIAL UNITED STATES.—The term ‘presidential united states’ means a State (other than Alaska and Hawaii) and the District of Columbia.

(2) PRESIDENTIAL GENERAL ELECTION.—The term ‘presidential general election’ means the election for electors for President and Vice President.

(b) POLLING PLACE HOURS.—

(1) POLLING PLACES IN THE CONTINENTAL UNITED STATES.—Each polling place in the continental United States shall be open, with respect to a presidential general election, beginning on Saturday at 10 a.m. eastern standard time and ending on Sunday at 6:00 p.m. eastern standard time.

(2) POLLING PLACES OUTSIDE THE CONTINENTAL UNITED STATES.—Each polling place not located in the continental United States shall be open, with respect to a presidential general election, beginning on Saturday at 10 a.m. local time and ending on Sunday at 6:00 p.m. local time.

(c) EARLY CLOSING.—A polling place may close between the hours of 10:00 p.m. local time on Saturday and 6:00 a.m. local time on Sunday as provided by the law of the State in which the polling place is located.

"(2) CONGRESSIONAL GENERAL ELECTION.—

(1) CONGRESSIONAL GENERAL ELECTION.—Each polling place shall be open, with respect to a congressional general election, beginning on Saturday at 10 a.m. eastern standard time and ending on Sunday at 6:00 p.m. eastern standard time.

(2) POLLING PLACES OUTSIDE THE CONTINENTAL UNITED STATES.—Each polling place not located in the continental United States shall be open, with respect to a congressional general election, beginning on Saturday at 10 a.m. local time and ending on Sunday at 6:00 p.m. local time.

(3) EARLY CLOSING.—A polling place may close between the hours of 10:00 p.m. local time on Saturday and 6:00 a.m. local time on Sunday as provided by the law of the State in which the polling place is located.”.

(2) CONGRESSIONAL GENERAL ELECTION.—

Section 25 of the Revised Statutes (2 U.S.C. 7) is amended—

(A) by redesigning section 25 as section 25A; and

(B) by inserting before section 25A the following:

"SEC. 25. POLLING PLACE HOURS.

(a) DEFINITIONS.—In this section:

(1) CONGRESSIONAL UNITED STATES.—The term ‘congressional united states’ means a State (other than Alaska and Hawaii) and the District of Columbia.

(2) CONGRESSIONAL GENERAL ELECTION.—The term ‘congressional general election’ means the general election for the office of Representative or Delegate or Resident Commissioner to the Congress.

(b) POLLING PLACE HOURS.—

(1) POLLING PLACES INSIDE THE CONGRESSIONAL UNITED STATES.—Each polling place in the congressional United States shall be open, with respect to a congressional general election, beginning on Saturday at 10 a.m. eastern standard time and ending on Sunday at 6:00 p.m. eastern standard time.

(2) POLLING PLACES OUTSIDE THE CONGRESSIONAL UNITED STATES.—Each polling place not located in the congressional United States shall be open, with respect to a congressional general election, beginning on Saturday at 10 a.m. local time and ending on Sunday at 6:00 p.m. local time.

(3) EARLY CLOSING.—A polling place may close between the hours of 10:00 p.m. local
time on Saturday and 6:00 a.m. local time on Sunday as provided by the law of the State in which the polling place is located.

(b) CONFORMING AMENDMENTS--

(1) The table of sections for chapter 1 of title 3, United States Code, is amended by striking the item relating to section 1 and inserting the following:

"1. Polling place hours."

"1A. Time of appearing electors."

(2) Sections 871(b) and 1751(f) of title 18, United States Code, are each amended by striking "title 3, United States Code, sections 1A and 2" and inserting "sections 1A and 2 of title 3."

By Mr. GRASSLEY (for himself and Mr. KOHL), S. 2641--A bill to amend title XVIII and XIX of the Social Security Act to improve the transparency of information on skilled nursing facilities and nursing facilities and to clarify and improve the targeting of the enforcement of requirements with respect to such facilities; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I come to the floor for the purpose of introducing a bill. The bill's title is the Nursing Home Transparency and Improvement Act of 2008. I introduce this bill along with Senator KOHL of Wisconsin. It is a bipartisan bill. Senator KOHL, because he is in the majority, has the distinguished pleasure of serving as chairman of a special committee on aging which is also a very important responsibility, particularly since our Government spends about more than $50 billion a year on nursing home care for elderly, among other things that are the responsibility tie of that committee.

The bill that we are introducing is an important piece of legislation that aims to bring some overdue transparency to consumers regarding nursing home quality. It also provides long-needed improvements to our enforcement tools.

This legislation further strengthens nursing home staff training requirements. In America today, there are over 1.7 million elderly and disabled individuals in roughly 17,000 nursing homes.

As the baby boom generation ages, that number probably will rise, unless we do something about the problems of osteoporosis and Alzheimer's and diabetes. Hopefully, we can do those things so nursing homes don't fill up more. But those are some of the health problems that are facing 77 million baby boomers. Some of them undoubtedly will end up in nursing homes.

So we have to have not only a tremendous interest in ensuring nursing home quality based upon the number of people who are already there, but we are going to have more in the future.

While many people are using alternatives such as home care or other forms of community-based care, nursing homes are going to remain a critical option for our elderly and our disabled. I always think in terms of nursing homes being at the end of a continuum of care for people who need some help.

People want to stay in their own home. When there is a question, can they do that without endangering them, bringing some help to their home, relatives or other forms of care typically?

If that is not the right environment, then assisted living. And then other things that might eventually bring a person to a nursing home. But a nursing home does not say that because during my tenure as chairman of the Aging Committee from 1997 to the year 2001, versus the period of time I was chairman of the Senate Finance Committee, dealing with a lot of aging issues, interacting with a lot of older people, I have never once had anybody say to me that: I am just dying to get into a nursing home.

So I think it is important we do whatever we can to keep people out of nursing homes. But there are some people, a lot of people, and a growing number of people who are going to need that type of care.

So we have to be concerned about the quality of care in nursing homes. We surely owe it to them to make sure they receive the care they expect, and the care they deserve. Unfortunately in many areas, the nursing homes, we have a few bad apples always spoiling the barrel. Too many Americans receive poor care, often in a subset of a nursing home.

Unfortunately, this subset of chronic offenders stays in business, in many ways keeping their poor track records hidden from the public at large and often facing little or no enforcement from the Federal Government.

As ranking member of the Senate Finance Committee, I have a long-standing commitment to ensuring that nursing home residents receive the safe and quality care we expect for our loved ones. This effort requires transparency, transparency in the nursing home industry so consumers are armed with information, consumers having information they need to make the best decisions possible for loved ones. This same transparency also provides additional market incentives for bad homes to improve.

This effort also requires a strong mandatory enforcement and monitoring system to ensure safe and quality care facilities that would not take the steps needed to do so voluntarily.

The Grassley-Kohl legislation seeks to strengthen both areas, transparency and enforcement. It is a bill that is good for consumers, good for nursing home residents, and good even for the nursing home community.

Let's look at transparency. In the market for nursing home care, similar to all markets, consumers must have adequate data to make informed choices. People looking at a nursing home for themselves or loved ones had no way of knowing whether that home was--this is kind of a legal term in the regulations--a "special focus facility," a designation meaning they had been singled out as a consistently poor performer.

Why should consumers not have access to this information? The Government has it and so should consumers. That is why, that the "special focus facilities" designation be placed on the CMS website. Nursing Home Compare is the name of that website.

This is a big thing for consumers this information, we will both give consumers information necessary to make informed choices and poorly performing homes an extra incentive to shape up or consumers then can go elsewhere.

This bill also requires more transparency about ownership information. What is so secretive about who owns a nursing home? Also, it provides transparency in inspection reports and more accountability for large nursing home chains and the development of a standardized resident complaint form so there is a clear and easy way to report problems and have them resolved.

The bill would also bring more transparency on what portion of a nursing home's spending is used for direct care for patients and gives a uniformity to the reporting of nursing staffing levels so people can make an apples-to-apples comparison between nursing homes.

But even with improved transparency, there are some nursing homes that will not improve on their own. In the nursing home industry, most homes provide quality care on a consistent basis. But as in many sectors, this industry is given a bad name by a few bad apples that spoil the barrel.

So we need to give inspectors better enforcement tools. The current system provides incentives to correct problems only temporarily and allows homes to avoid regulatory sanctions while continuing to deliver substandard care to residents. That system must be fixed.

In ongoing correspondence that I have had with Terry Weems, the Acting Administrator of CMS, that agency has requested the statutory authority to collect civil monetary penalties sooner and hold them in escrow pending appeal. To that end, this bill requires that penalties be collected within 90 days following a hearing; after that, they should be held in escrow pending appeal. To that end, this bill requires penalties be collected within 90 days following a hearing; after that, they should be held in escrow pending appeal. To that end, this bill requires penalties be collected within 90 days following a hearing; after that, they should be held in escrow pending appeal.

Penalties should be more than merely the cost of doing business, they should be collected in a reasonable timeframe and should not be rescinded easily. These changes would be justice for the industry's bad actors to get their act together or get out of business. In addition to increased transparency and improved enforcement, this bill provides commonsense solutions to a number of other problems as well. These changes would be justice for the industry's bad actors to get their act together or get out of business. In addition to increased transparency and improved enforcement, this bill provides commonsense solutions to a number of other problems as well.

This legislation requires the Secretary of Health and Human Services to establish a national independent
monitoring program to tackle problems specific to interstate and large intrastate nursing home chains. This legislation directs the Government Accountability Office to, one, conduct studies on the role, if any, of financial practices at the State level in temporary management programs; and, three, determine what are the barriers preventing the purchase of nursing homes with a record of poor quality.

First of nursing homes being closed due to prior safety or quality of care, the bill requires that residents and their representatives be given a sufficient notice so they can adequately plan a transfer to a better performing nursing home. I happen to be very sensitive to the fact that nursing home residents are often old and fragile. Moving them into new facilities is often very traumatic. So we have to make sure these residents are transported appropriately and with the time and care deserved.

This bill would also strengthen training requirements for nursing staff, including dementia and abuse prevention training as part of the preemployment process.

The Grassley-Kohl bill also requires a study on the appropriateness of in-service training as part of the preemploying requirements for nursing staff, by having to make sure these residents are fragile. Moving them into new facilities home residents are often old and fragile. Moving them into new facilities is often very traumatic. So we have to make sure these residents are transported appropriately and with the time and care deserved.

This bill would also strengthen training requirements for nursing staff, including dementia and abuse prevention training as part of the preemployment process.

The second area in need of improvement is our Government’s system of nursing home quality enforcement. Under the current system, nursing homes that are not providing good care, or—even worse—are putting their residents in harms way, can escape penalty from the Government by abusing a lengthy appeal process, while they slip in and out of compliance with Federal regulations. This is unacceptable.

We need the threat of sanctions to mean something—and under my bill with Senator GRASSLEY, they will. Our legislation will require that all civil monetary penalties be collected and placed in an escrow account as soon as they are levied, pending the final resolution of any administrative penalties.

In addition, our policy enables regulators to respond effectively when serious quality deficiencies that cause actual harm to nursing home residents or put them in “immediate jeopardy.”

In addition, our policy enables regulators to respond effectively when serious quality problems are evident in homes with a record of poor quality. Monitoring program to tackle problems specific to interstate and large intrastate nursing home chains. This legislation directs the Government Accountability Office to, one, conduct studies on the role, if any, of financial practices at the State level in temporary management programs; and, three, determine what are the barriers preventing the purchase of nursing homes with a record of poor quality.

First of nursing homes being closed due to prior safety or quality of care, the bill requires that residents and their representatives be given a sufficient notice so they can adequately plan a transfer to a better performing nursing home. I happen to be very sensitive to the fact that nursing home residents are often old and fragile. Moving them into new facilities is often very traumatic. So we have to make sure these residents are transported appropriately and with the time and care deserved.

This bill would also strengthen training requirements for nursing staff, including dementia and abuse prevention training as part of the reemployment process.

The Grassley-Kohl bill also requires a study on the appropriateness of in-service training as part of the preemploying requirements for nursing staff, by having to make sure these residents are fragile. Moving them into new facilities home residents are often old and fragile. Moving them into new facilities is often very traumatic. So we have to make sure these residents are transported appropriately and with the time and care deserved.

This bill would also strengthen training requirements for nursing staff, including dementia and abuse prevention training as part of the preemployment process.
why today I am introducing this bill, along with my friends Senator SNOWE and Senator CANTWELL, to help lead us further down the path to a better, cleaner, more prosperous energy future, with new opportunities for investment, innovation, and job creation.

Our bill, I would like to introduce, is called the American Renewable Energy Act. There are two key elements of this legislation.

First, the American Renewable Energy Act creates strong, consistent incentives for investment in renewable energy resources and technology by extending tax incentives, such as the production tax credit, for 5 years. Of course, this covers wind, solar, geothermal, hydro, and other forms of renewable energy, and making sure that is in place so we can spur the kind of investment that will create jobs and allow us to be on the same path other countries around the world are on.

Second, the legislation establishes a national renewable energy standard requiring that 20 percent of our energy come from renewable sources, such as wind, solar, and biofuels, by the year 2025. A national renewable energy standard will create a large market for clean energy, which can spurs the kind of investment that will create jobs and allow us to be on the same path other countries around the world are on.

In fact, the American Wind Energy Association has recently noted that the slowdown in wind industry activity actually starts about 8 months before the tax credit’s expiration date. These are large-scale, capital-intensive projects that often take long years to develop. But uncertainty about the future of the production tax credit discourages project development and investment. Extending the tax credit for 5 years would create a much stronger incentive and investment environment.

Simply put, a new economic sector is emerging. It is one that can shift the Nation’s economy to clean energy production, generation, and use. But without the continued support of tax incentives to help this emerging industry compete on a level playing field, the opportunity will be lost.

Over the past few years, the solar energy industry has witnessed unprecedented growth. This growth pumped over $2 billion into the U.S. economy and created 6,000 new jobs. Developing solar energy is an economic engine for our country. From 2006 to 2007, the job base in the solar energy industry grew by 103 percent. Almost all of this growth is directly attributable to the solar investment tax credits that are scheduled to expire at the end of this year. If we allow these credits to expire, those jobs will dry up. We will lose out on creating new companies and we will lose out on creating new opportunities for American businesses. I have focused on wind and solar, but there are amazing opportunities in other renewable energy fields, including hydro. There are amazing opportunities with geothermal. But we are never going to reach the full potential for jobs in this country if we keep going back and forth, up and down. We have to have a policy that is geared to the long term. I would also say that in visiting with farmers and ranchers around our State, the other thing we need to do—but we will have to focus on in another bill—is look at creating incentives for individuals and small businesses that may want to put up their own wind turbine. That is a subject for another day, but we have to do everything we can to promote this renewable energy.

The second element in this legislation would provide an additional incentive for investment in renewable energy technology and resources. It would establish an aggressive, nationwide renewable electricity standard, one requiring that all electricity providers generate or purchase 20 percent of their electricity from renewable sources by the year 2025.

Ironically, these countries surpassed us last year by importing technologies that had been first developed here in the United States. We came up with the right ideas, but we didn’t capitalize on these ideas by having these innovations, by having the right policies in place to support their commercial development and rise and support the jobs that would have come with developing the technology. Our foreign competition was able to leapfrog over American businesses because these other countries have government-driven investment incentives, aggressive renewable energy targets, and other bold national policies.

What I am proposing with my legislation is a package of tax incentives to spur investment in advanced clean technologies to serve the growing market for renewable energy sources. Specifically, in the bill Senator SNOWE and Senator CANTWELL and I are introducing today, we want to extend and expand the existing Federal production tax credit available for renewable energy projects in order to ensure that we make sure it is a long-term credit and businesses will have the clarity and certainty they need to
seize opportunities offered by renewable energy should be matched by courage in Washington. I think it is time for the Federal Government to follow the lead of Minnesota, Washington, Maine, and other States around the country and adopt a forward-looking renewable standard.

There are many benefits from having a strong national standard. It would save money for American consumers, as much as $100 billion in lower electricity and natural gas bills. It would aid in fighting climate change by preventing well over 3 billion tons of carbon dioxide from being emitted into the atmosphere by 2030. It would create jobs and increase income across the country, especially in rural areas. Each large utility-scale wind turbine that goes on line generates over $1.5 million in economic activity. Each turbine provides about $5,000 in lease payments for 20 years or more to farmers, ranchers, or other landowners. You can see from this chart the job creation with this national renewable electricity standard set at 20 percent—355,000 new jobs, nearly twice as much as generating electricity from fossil fuels; $72.6 billion in new capital investment in wind generation in the United States; and $5 billion in new local tax revenues.

Then look at these consumer savings—$49 billion in lower electricity and natural gas bills; a healthier environment; reductions in global warming pollution equal to taking nearly 71 million cars off the road; less air pollution, damage to land, and less water use. These are the benefits.

We pay for it by taking back some of those tax giveaways we give to those oil companies—ExxonMobil, $11.7 billion in one quarter. So are we going to give them more money or try to create 355,000 new jobs in this country? That is the choice we face.

I believe the combination of an aggressive renewable electricity standard and a strong package of tax incentives can begin to move our Nation to a new, cleaner, and more prosperous energy path. It is long overdue. The private sector is already beginning to invest in this energy future, and they are ready to invest more. But our Government must provide the right policies and incentives so they will be prepared to make those large-scale, long-term investments that are required to make it happen.

The opportunities are enormous for creating new technologies, new industries, new businesses, and new jobs, while at the same time promoting our energy independence, strengthening our national security, and protecting our global environment. This piece of legislation, cosponsored by my friends Senator SNOWE and Senator CANTWELL, this bipartisan piece of legislation is about leading the new economy, not following along; not doing countless reboots after rebates checks—which we need to do right now, but we are never going to get on the path to a new economic future unless we lead the way, and this is Washington’s time to lead. This is about making America the global energy leader instead of the laggard. It is about creating a better economy for the next generation by leading a world that is about not being complacent. It is about getting on a new energy path.

I believe an aggressive renewable electricity standard, coupled with strong tax incentives, leads us down this path to ensure the success of the American Renewable Energy Act.
manufacturing jobs that typically afforded opportunities to men.

All these political, cultural, economic and personal elements combine to erect a steeplesch of barriers that is far too difficult to traverse for far too many black men.

While this is a sensitive subject, there is also a subculture of the street that provides easy money and allows some to eschew personal responsibility. But we can't sit passively by and let that subculture claim another generation of these men. The public sector—on all levels—has an obligation to intercede. The Reverend Johnny Ray Youngblood, a pastor and friend of mine from Brooklyn, said it best: "Government has a moral responsibility to compete against, and win against, subcultures that are immoral, illegal and really inhuman."

Let me be clear: there is a host of dedicated, even heroic, leaders who have been addressing these issues every day for years. There are ideas and leaders out there who can turn this problem around. However, on the Federal level, there has been no comprehensive public policy response to this situation. We have allowed the problems of black men to grow worse unabated.

Last year, as Chairman of the Joint Economic Committee, I held a hearing on this very issue. Our witnesses provided testimony that vividly illustrated how devastating this crisis truly is. This hearing began a dialog in Congress on how we can move forward legislatively to expand job opportunities and incentives for African American men.

I believe there is a rare confluence of forces that should be exploited—now—to ramp up efforts to aggressively attack the plight of jobless black men. The American labor force is in transition and therein lies the opportunity. By 2016, 64 million more Americans will be from the generations born before and after World War II will approach retirement age. Over this period we will be losing 20 percent of our entire workforce—a turnover rate the likes of which our country has never experienced.

Many of the new jobs I am speaking about don't require college degrees, many are entry level, but many can pay upwards of $40,000 with benefits. And the problem is, they can't be outsourced or downsized—because they're crucial to keeping cities working. A nurse, welder, mechanic or long-haul commercial driver doesn't do us any good if he or she is working in Bangladesh. We have never before had such a clear picture of where the jobs will be—or what we have to do to connect our struggling young people to them.

What we need to do now is ensure that black men have access to the best, most successful job training programs that can prepare them for these jobs.

After years of trying, I believe there is a new paradigm for job training that will make this possible. For the past year, I have been working on the STEP-UP Act to do just that.

Let me tell you about one innovative job training program that was founded in East Harlem but has been replicated across the United States and Europe: its called STRIVE and it offers some good clues on what makes a job program work.

Here is the most important thing you need to know about STRIVE. 70 percent of their graduates retain their jobs after 2 years, compared to a 40 percent city-wide average. I visited them to see firsthand how they do it. It impressed me so much I brought 3 Senators to visit STRIVE's offices in Washington, DC, and it blew their hair back as well.

First, STRIVE's core program does not begin with teaching participants how to read an account ledger or hammer in a nail. It begins with what they call "soft skills"—like how to dress for work, how to interact with your boss and superiors, and accept criticism. Seems obvious enough, but for many it is harder than it should be to tell the difference between constructive criticism and a provocative "dis" that, in the code of the street, demands an aggressive reaction.

In addition to focusing on those elemental "soft skills," STRIVE provides intensive follow-up, long-term involvement with additional training opportunities, and wrap-around services to address the whole host of obstacles that black men face when trying to enter and remain in the workforce.

Our current Federal job-training program—the Workforce Investment Act—has been steadily underfunded in recent years. To give a sense of how much we have walked away from such initiatives, in 1978 we spent $9.5 billion on jobs programs—$30 billion in today's dollars. In 2007 we spent only $6.1 billion. Congress does not mandate or even encourage the STRIVE model. The WIA program hasn't been reauthorized since it expired in 2003 and it needs to be updated to incorporate the lessons of STRIVE.

My bill, the STEP-UP Act, moves our job training agenda closer to the STRIVE model. If we can duplicate some semblage of STRIVE's 70 percent success rates—which they have duplicated in 22 locations around the country—we begin to really move the employment needle in the right direction.

The STEP-UP Act reauthorizes funding for the Youth Opportunity Program. YO, which was originally established in 1998 to provide grants to programs that offer intensive job training and placement services for hard-to-serve youth between the ages of 16 to 24. When it was created, the YO program was meant to be the "model" job training program, the shining star in a vast landscape of programs and failed efforts. It drew on the best practices from a generation of previous job training efforts, understanding that att-
The second thing my bill does is extend the EITC to those low-wage earners who have kids and are currently on their child support payments. There are lots of men out there who really want to work and do right by their families. It can be an uphill battle for them, but many find a way to make it happen.

Considering that about a third of low-income noncustodial fathers nationwide are black, a federal EITC expansion could have a big impact for them. Here is how my bill does it. If you are a dad paying your child support, the existing childless tax credit is quadrupled from $438 to $1,719 a year. This is still much smaller than the credit a family with one child will receive, which is $2,917 in 2008.

Let me be clear: enhancing the EITC is not just about getting men working but about strengthening families, and encouraging low-income fathers to fulfill their parenting responsibilities and stay in their presence to help support payments. Studies have documented a direct correlation between fathers who pay child support and their involvement in their children’s lives. If we can get men working and they become a positive force in the lives of their sons and daughters, we will have achieved two very worthy objectives.

The Earned Income Tax Credit is just one example of a tax incentive that translates to real dollars for working families. Another issue that I want to address is the problem of keeping people in the workforce. Too many men are cycling in and out of employment. We need to make steady employment pay.

The Work Opportunity Tax Credit, or WOTC, is one incentive that I think needs to be strengthened and modified. Currently, WOTC is only a credit for employers, and at its maximum it is worth $2,400 if the worker is employed for 40 weeks. So if a worker making $7 an hour stays on the job for about 5 months, then his employer gets the maximum credit, but he does not receive anything for hitting this benchmark.

The STEP-UP Act expands WOTC to include employees so that it is not only an employer credit, and to maximize its potential over time. Specifically, once a worker has reached 500 hours on the job, or 26 weeks, both the employer and the employee receive a $500 credit. We need to encourage employers to really invest in their workers and to ensure that workers are staying on the job.

Today I am asking my colleagues on both sides of the aisle to carefully consider this legislation. Given the severity of the African American jobless problem and the unprecedented opportunity that will result from the mass retirement of workers from the post war generation, shame on us if we do not do everything we can to take action and put people who want to work into jobs that pay. It is up to us to align these tools and make them work. We must.

Not only must it be a moral imperative that we give more opportunity to African American men, it must be a national imperative to keep our country competitive in the 21st century. I ask my colleagues to join me in this effort and take this initial step towards success.

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. 2648

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 “Supporting Training and Employment Potential for Underemployed Populations Act” or the “STEP UP Act”.

TITLE 1—YOUTH OPPORTUNITY GRANT PROGRAM

SEC. 101. FINDINGS.

Congress finds the following:

(1) Finding employment that provides steady income and a career track is a problem faced by young African-American men. In 2006, over 11.2 percent, or 21.8 percent, of black men ages 16 through 24 were unemployed. This is roughly double the unemployment rate for all young men (11.2 percent).

(2) Even over a period of relative economic growth, employment for disconnected African-American men has declined. In 1999, 65 percent of African-American male high school dropouts were jobless and not looking for work. In 2004, that rate had risen to 72 percent.

(3) The Youth Opportunity Grant Program was established in the Workforce Investment Act of 1998 to provide intensive job training and placement activities as well as educational, social, and recreational services to at-risk, hard-to-serve youth.

(4) The Youth Opportunity Grant Program built upon 20 years of promising strategies of previous demonstration models that strongly suggest the effectiveness of intensive case management and follow-up services in assisting disconnected young men and women in finding employment.

(5) By reauthorizing and refining the Youth Opportunity Grant Program, Congress could help make strides against those serious problems faced by both young African-American men and other disconnected youth.

(6) Over the course of the Youth Opportunity Grant Program, 36 localities with high poverty rates received funding through grants. The Youth Opportunity Grant Program was effective in assisting hard-to-reach populations. The Department of Labor estimates that 42 percent of the eligible youth and 62 percent of the eligible out-of-school youth in the target areas enrolled in the Youth Opportunity Grant Program.

(7) Further understanding of the successes of, challenges faced by, and shortcomings of, the Youth Opportunity Grant Program, both with the past, and in the future, will require extensive evaluation and study by the Department of Labor.

SEC. 102. YOUTH OPPORTUNITY GRANTS.

(a) GRANTS.—

(1) IN GENERAL.—Using funds made available under subsection (i), the Secretary shall award grants to eligible local governments described in subsection (c) and eligible entities described in subsection (d) to carry out programs that provide services described in subsection (b) for youth and young adults.

(b) PROGRAMS.—The boards and entities shall carry out the programs to increase the long-term employment of youth and young adults who seek assistance and who live in empowerment zones, enterprise communities, or high poverty areas.

(c) DEFINITION.—In this section:

(1) HARD-TO-SERVE YOUNG ADULT.—The term ‘hard-to-serve young adult’ means an individual who is—

(I) not less than age 25 and not more than age 30; and

(II) (D) an unemployed individual;

(II) a school dropout;

(III) a noncustodial parent who has not received a secondary school diploma or its recognized equivalent;

(IV) an ex-offender; or

(V) a noncustodial parent with a child support obligation.

(2) YOUTH OR YOUNG ADULT.—The term ‘youth or young adult’ means an individual who is not less than age 14 and not more than age 30.

(3) GRANT PERIOD.—The Secretary may make a grant under this section for a 2-year period, and may renew the grant for each of the 3 succeeding years.

(4) GRANT AWARDS.—In making grants under this section, the Secretary shall ensure that grants are distributed equitably among local boards and entities serving urban areas and rural areas and entities serving high-unemployment areas and consider the poverty rate in such urban and rural areas, as described in subsection (d).

(d) USE OF FUNDS.—

(1) IN GENERAL.—A local board or entity that receives a grant under this section shall use the funds made available through the grant to provide job training and employment activities and related services, including—

(A) activities that meet the requirements of section 129;

(B) youth development activities such as activities relating to leadership development, citizenship, re-entry, the justice and juvenile justice systems, community service, and recreation activities; and

(C) work force preparation and attitude training;

(ii) sector-specific skills training as described in subsection (f)(1)(D);

(iii) educational completion services, including classes that lead to a secondary school diploma or its recognized equivalent (and programs to prepare for such a class), remedial reading and mathematics classes serving rural areas, taking that individual to read and do mathematics at a college level), and skills certification and credentialing programs;

(iv) access to internships, transitional jobs, work experience, and nontraditional employment opportunities;

(v) access to other services either directly or through an organization or plan that individual into a strategic partnership described in subsection (e) with the local board or entity, including parent education classes for fathers and mothers and financial literacy services, services to improve health care (and mental health care) treatment and access, and services to improve access to affordable housing and shelter; and

(vi) assistance in obtaining the earned income credit under section 32 of the Internal Revenue Code.

(e) ELIGIBILITY.—To be eligible for a grant under this section, a local board or entity must—

(1) have served in the target areas for at least 3 of the 4 years prior to the grant; and

(2) submit a plan that—

(i) describes how the local board or entity will provide essential services described in subsection (b) for youth and young adults;

(ii) identifies key partners that will provide essential services described in subsection (b) for youth and young adults;

(iii) establishes a local advisory board for the purpose of planning and evaluation; and

(iv) includes a description of any ongoing or planned evaluation and an evaluation plan that shows the extent to which the local board or entity is meeting the goals of the grant.

(f) GRANT DETERMINATION.—The Secretary shall award grants under this section to eligible local boards and entities in a manner designed to ensure the following:

(1) IN GENERAL.—A board or entity that wishes to receive a grant under this section shall—

(A) submit an application to the Secretary; and

(B) be certified as eligible under subsection (c).

(2) APPLICATION.—An application under this subsection must include—

(i) a description of the eligible local boards and entities that the grant will serve;

(ii) an assurance that participation by the eligible local boards and entities will be based on merit;

(iii) an assurance that the eligible local boards and entities will provide services to all eligible youth;

(iv) an assurance that services will be provided to eligible youth regardless of employment status; and

(v) an assurance that eligible local boards and entities will use the grant to provide services to eligible local boards and entities as described in subsection (b).

(3) GRANT PERIOD.—The Secretary may make a grant under this section for a 2-year period, and may renew the grant for each of the 3 succeeding years.

(4) GRANT AWARDS.—In making grants under this section, the Secretary shall ensure that grants are distributed equitably among local boards and entities serving urban areas and rural areas and entities serving high-unemployment areas and consider the poverty rate in such urban and rural areas, as described in subsection (d).

(g) GRANT MANAGEMENT.—In making grants under this section, the Secretary shall ensure that grants are—

(1) consistent with other federal and state programs; and

(2) administered in a manner that ensures that services are provided in a cost-effective manner.

(h) EVALUATION.—In making grants under this section, the Secretary shall ensure that the local boards and entities that receive grants under this section—

(1) report on their activities under the grant, and

(2) provide to the Secretary annual reports that document the number of youth served under the grant, the extent to which the goals of the grant were met, and any findings or conclusions from evaluation activities.

(i) CLARIFICATION.—Nothing in this section shall be construed to preclude the Secretary from establishing or modifying any requirement under this section if the Secretary finds that such requirement is necessary to ensure the effectiveness of the grant program.

SEC. 103. FUNDING.

The Secretary of Labor shall award grants under this section from amounts made available to the Department of Labor under section 102.

SEC. 104. REPORT.

(a) IN GENERAL.—The Secretary shall submit to the Congress a report on the activities of the youth grants under this section.

(b) CONTENT.—In the report submitted under subsection (a), the Secretary shall—

(1) describe the activities carried out under the grants described in section 102;

(2) describe the results of any evaluation activities conducted under this section; and

(3) provide such other information as the Secretary deems appropriate.

SEC. 105. ENACTMENT DATE.

The grants described in section 102 shall be available for program activities to begin not later than 180 days after the date of enactment of this Act.
Revenue Code of 1986 and obtaining benefits through government entitlement programs, such as the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), and unemployment compensation programs, as well as other State and local entitlement programs that may be applicable.

(2) INTENSIVE PLACEMENT AND FOLLOW-UP SERVICES.—In providing activities under this section, a local board or entity shall provide—

(A) intensive placement services; and

(B) follow-up services, including case management, every 2 months for not less than 1 year from the completion of participation in the other activities described in this subsection, as appropriate.

(3) LIMITATION ON USE FOR HARD-TO-SERVE YOUNG ADULTS.—A grant may not be used to provide activities for hard-to-serve young adults.

(c) ELIGIBLE LOCAL BOARDS.—To be eligible to receive a grant under this section, a local board shall serve a community that—

(1) has been designated as an empowerment zone or enterprise community under section 1391 of the Internal Revenue Code of 1986;

(2)(A) is a State without a zone or enterprise community under section 1392 of the Internal Revenue Code of 1986; and

(3)(A) is located on an Indian reservation or serves Oklahoma Indians, or Native villages of Native American Indians; (B) enter into a strategic partnership to provide activities under this section with 1 or more entities described in subsection (b); and (C) is located on an Indian reservation or serves Oklahoma Indians, or Native villages of Native American Indians, or Native villages of Native American Indians.

(d) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall—

(1) be a recipient of financial assistance under section 166; and

(2) serve a community that—

(A) meets the poverty rate criteria set forth in subsections (a)(4), (b), and (d) of section 1392 of the Internal Revenue Code of 1986; and

(B) enter into a strategic partnership to provide activities under this section with 1 or more local boards or entities consisting of—

(i) a community-based job training provider who is an eligible provider identified in accordance with section 122(2)(B); or

(ii) a local board; or

(iii) a State or local government entity.

(e) STRATEGIC PARTNERSHIPS.—

(1) LOCAL BOARDS.—An eligible local board may—

(A) work independently to provide activities under this section; or

(B) enter into a strategic partnership to provide activities under this section with 1 or more local boards or entities consisting of—

(i) a community-based job training provider who is an eligible provider identified in accordance with section 122(2)(B); or

(ii) a local board; or

(iii) a State or local government entity.

(2) WORK PLANS.—An eligible local board shall—

(A) develop a performance measurement plan, and a skills training curriculum for jobs in those sectors and employment opportunities in those sectors; and

(B) provide personnel, facilities, equipment, and a skills training curriculum for the program.

(3) WORK PLANS.—An eligible local board shall—

(A) develop a performance measurement plan, and a skills training curriculum for jobs in those sectors and employment opportunities in those sectors; and

(B) provide personnel, facilities, equipment, and a skills training curriculum for the program.

(f) APPLICATION.—To be eligible to receive a grant under this section, a local board or entity shall submit an application (individually or as part of a strategic partnership described in subsection (e)) to the Secretary, at such time, in such manner, and containing such information as the Secretary may require, including—

(1)(A) a description of the activities that the local board or entity will provide under this section to youth and young adults in the community described in subsection (c) or (d);

(B) the geographic area the strategic partnership will serve to the extent that the applicant intends to enter into to provide activities under this section; and

(C) information describing how the applicant will coordinate the planning and implementation of the activities to be carried out under this section.

(g) PERFORMANCE MEASURES.—An eligible local board or entity shall—

(1) develop a performance measurement plan, and a skills training curriculum for jobs in those sectors and employment opportunities in those sectors; and

(2) provide personnel, facilities, equipment, and a skills training curriculum for the program.

(h) CONSENT TO INSPECTIONS.—An eligible local board or entity shall agree to—

(1) allow an official of the Department of Labor to conduct inspections of the activities carried out under subsection (b) prior to that date of enactment.

(i) EVALUATIONS.—To be eligible to receive a grant under this section, an entity shall—

(1) develop a performance measurement plan, and a skills training curriculum for jobs in those sectors and employment opportunities in those sectors; and

(2) provide personnel, facilities, equipment, and a skills training curriculum for the program.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $500,000,000 for fiscal year 2008 and each subsequent fiscal year.

SEC. 103. CONFORMING AMENDMENTS.


(1) in section 150, by striking sections 1391 through 1394, and 1396, of the Internal Revenue Code of 1986, and

(2) in section 152, by striking ‘‘sections’’ and inserting ‘‘subsection’’; and

(3) in section 153, by striking ‘‘sections’’ and inserting ‘‘subsection’’; and

(b) Workforce Investment Act of 2002.—The Workforce Investment Act of 2002 (29 U.S.C. 2852) is amended—

(1) in section 150, by striking ‘‘sections’’ and inserting ‘‘subsection’’; and

(2) in section 152, by striking ‘‘sections’’ and inserting ‘‘subsection’’; and

(3) in section 153, by striking ‘‘sections’’ and inserting ‘‘subsection’’; and

(c) Workforce Innovation and Opportunity Act of 2014.—The Workforce Innovation and Opportunity Act of 2014 (29 U.S.C. 2852) is amended—

(1) in section 201, by striking ‘‘sections’’ and inserting ‘‘subsection’’; and

(2) in section 202, by striking ‘‘sections’’ and inserting ‘‘subsection’’; and

(3) in section 203, by striking ‘‘sections’’ and inserting ‘‘subsection’’; and

(4) in section 204, by striking ‘‘sections’’ and inserting ‘‘subsection’’; and

(5) in section 205, by striking ‘‘sections’’ and inserting ‘‘subsection’’; and

(6) in section 206, by striking ‘‘sections’’ and inserting ‘‘subsection’’; and

(7) in section 207, by striking ‘‘sections’’ and inserting ‘‘subsection’’; and

(8) in section 208, by striking ‘‘sections’’ and inserting ‘‘subsection’’; and

(9) in section 209, by striking ‘‘sections’’ and inserting ‘‘subsection’’; and

(10) in section 210, by striking ‘‘sections’’ and inserting ‘‘subsection’’; and

(11) in section 211, by striking ‘‘sections’’ and inserting ‘‘subsection’’; and

(12) in section 212, by striking ‘‘sections’’ and inserting ‘‘subsection’’; and

(13) in section 213, by striking ‘‘sections’’ and inserting ‘‘subsection’’; and

(14) in section 214, by striking ‘‘sections’’ and inserting ‘‘subsection’’; and

(15) in section 215, by striking ‘‘sections’’ and inserting ‘‘subsection’’; and

(16) in section 216, by striking ‘‘sections’’ and inserting ‘‘subsection’’; and

(17) in section 217, by striking ‘‘sections’’ and inserting ‘‘subsection’’; and

(18) in section 218, by striking ‘‘sections’’ and inserting ‘‘subsection’’; and

(19) in section 219, by striking ‘‘sections’’ and inserting ‘‘subsection’’; and

(20) in section 220, by striking ‘‘sections’’ and inserting ‘‘subsection’’; and

(21) in section 221, by striking ‘‘sections’’ and inserting ‘‘subsection’’; and

(22) in section 222, by striking ‘‘sections’’ and inserting ‘‘subsection’’; and

(23) in section 223, by striking ‘‘sections’’ and inserting ‘‘subsection’’; and

(24) in section 224, by striking ‘‘sections’’ and inserting ‘‘subsection’’; and

(25) in section 225, by striking ‘‘sections’’ and inserting ‘‘subsection’’; and

(26) in section 226, by striking ‘‘sections’’ and inserting ‘‘subsection’’; and

(27) in section 227, by striking ‘‘sections’’ and inserting ‘‘subsection’’; and

(28) in section 228, by striking ‘‘sections’’ and inserting ‘‘subsection’’; and

(29) in section 229, by striking ‘‘sections’’ and inserting ‘‘subsection’’; and

(30) in section 230, by striking ‘‘sections’’ and inserting ‘‘subsection’’; and

(31) in section 231, by striking ‘‘sections’’ and inserting ‘‘subsection’’; and

(32) in section 232, by striking ‘‘sections’’ and inserting ‘‘subsection’’; and

(33) in section 233, by striking ‘‘sections’’ and inserting ‘‘subsection’’; and

(34) in section 234, by striking ‘‘sections’’ and inserting ‘‘subsection’’; and

(35) in section 235, by striking ‘‘sections’’ and inserting ‘‘subsection’’; and

(36) in section 236, by striking ‘‘sections’’ and inserting ‘‘subsection’’.
(b) by striking ‘‘and 189’’ and all that follows and inserting ‘‘; and’’; and
(2) in subsection (b)(1)(A)—
(A) in clause (i), by striking ‘‘provide youth’’ and all that follows through ‘‘grants’’ and; and
(B) by striking clause (iv).

TITLE II—EARNED INCOME TAX CREDIT
ENHANCEMENT

SEC. 201. SHORT TITLE.
This title may be cited as the ‘‘Earned Income Tax Credit Enhancement Act of 2007’’.

SEC. 202. FINDINGS.
Consists of the following:
(1) The earned income tax credit is considered one of the most successful antipoverty programs in the United States. The various expansions of the earned income tax credit in the 1990s were instrumental in lifting families, especially single parents, out of poverty by increasing income and building assets.
(2) However, the earned income tax credit provides little assistance for childless workers and noncustodial parents. The credit for childless workers is only 15 percent of the credit for a worker with 1 child.
(3) Increasing the maximum earned income tax credit amount for childless workers would help alleviate poverty and mirror the successful credit expansion of the 1990s. Additionally, lowering the age of eligibility will extend this important credit to a growing population of young adults living in poverty.
(4) Although the effectiveness of the work opportunity tax credit has come under scrutiny. The credit is only available to employers and offers no benefits to employees to encourage job retention. The credit only addresses short-term job retention, not long-term employment.
(5) Expanding the work opportunity credit to include childless workers will provide individuals in poverty and mirror the successful credit expansion of the 1990s. Additionally, lowering the age of eligibility will extend this important credit to a growing population of young adults living in poverty.

SEC. 203. ENHANCEMENTS TO EARNED INCOME TAX CREDIT.
(a) CREDIT ALLOWED FOR CERTAIN CHILDLESS INDIVIDUALS OVER AGE 18.—
(1) IN GENERAL.—Subclause (II) of section 32(c)(1)(A)(i) of the Internal Revenue Code of 1986 (relating to earned income) is amended by striking ‘‘age 21’’ and inserting ‘‘age 22’’.
(2) EXCEPTION FOR FULL-TIME STUDENTS.—
Paragraph (2) of section 32(c)(1)(A)(ii) of such Code is amended by adding at the end the following new subparagraph:
‘‘(G) EXCEPTION FOR FULL-TIME STUDENTS.—The term ‘eligible individual’ shall not include any individual described in subparagraph (A)(ii) if such individual has not attained the age of 25 before the close of the taxable year and is a full time student for more than one half of such taxable year.’’.
(b) MODIFICATION OF CREDIT AMOUNT FOR INDIVIDUALS WITHOUT QUALIFYING CHILDREN.
(1) MODIFICATION OF CREDIT PERCENTAGE.—
The last row in the table in section 32(c)(1)(A)(i) of the Internal Revenue Code of 1986 is amended by striking ‘‘7.65’’ in the middle column and inserting ‘‘8.00’’.
(2) MODIFICATION OF PHASEOUT AMOUNT.—
Subparagraph (A) of section 32(c)(2)(B) of such Code is amended to read as follows:
‘‘(A) IN GENERAL.—Subject to subparagraph (B),—
'(i) in the case of an eligible individual with 1 qualifying child—
'(I) the earned income amount is $4,330, and
'(II) the phaseout amount is $2,160,
'(ii) in the case of an eligible individual with 2 or more qualifying children—
'(I) the earned income amount is $8,890, and
'(II) the phaseout amount is $11,610, and
'(iii) in the case of an eligible individual with the qualifying child who is not the child of such individual—
'(I) the earned income amount is $4,220, and
'(II) the phaseout amount is 200 percent of the dollar amount applicable under subparagraph (I).’’;
(c) INCREASED CREDIT FOR CERTAIN INDIVIDUALS WITHOUT QUALIFYING CHILDREN.—
(1) IN GENERAL.—Paragraph (1) of section 32(b)(1)(B) of the Internal Revenue Code of 1986 is amended by striking subparagraphs (B) and (C) and inserting the following:
‘‘(B) INCREASED CREDIT FOR CERTAIN INDIVIDUALS WITHOUT QUALIFYING CHILDREN.—In the case of an eligible individual described in subparagraph (C), the credit percentage under subparagraph (A) shall be 30.6 percent.’’;
(d) ELIGIBLE INDIVIDUAL DESCRIBED.—An eligible individual is described in this subparagraph with respect to a taxable year if—
(i) with respect to such eligible individual for the taxable year, another individual—
'(I) bears a relationship to the eligible individual described in section 152(c)(2),
'(II) satisfies the requirements of section 152(c)(3), and
'(III) has the same principal place of abode as the eligible individual for less than one-half of such taxable year,
(ii) such eligible individual is required to make child support payments with respect to the individual described in clause (i), and
(iii) such eligible individual has made all required child support payments during the taxable year.

For purposes of clause (i), an eligible individual shall not be treated as an eligible individual if the eligible individual makes no required child support payments during a taxable year in which the eligible individual is required to make child support payments.

For purposes of clause (ii), an eligible individual is required to make child support payments if the child support payments are—
(A) made by the eligible individual, or
(B) made on behalf of the eligible individual with respect to the child support payments.

For purposes of clause (iii), an eligible individual has made all required child support payments if the eligible individual has made all required child support payments during the taxable year.

(2) NOTIFICATION OF FAILURE TO PAY CHILD SUPPORT.—Section 664(b) of the Social Security Act (42 U.S.C. 664(b)) is amended by adding at the end the following new paragraph:
‘‘(3) The Secretary shall use notices of past-due child support under this section in administering the earned income tax credit under section 32 of the Internal Revenue Code of 1986 for eligible individuals described in subsection (a) of such section. The regulations promulgated pursuant to this subsection shall require States to submit such notices at a time adequate to allow the Secretary to properly administer such credit for such individuals.’’.
(d) REPEAL OF EGTRRA SUNSET.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset provisions) shall not apply to the amendments made by section 303 of such Act (relating to marriage penalty relief for earned income credit; earned income to include only amounts includible in gross income; simplification of earned income credit).
(e) ELECTION TO AVERAGE EARNED INCOME.—
Paragraph (2) of section 32(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:
‘‘(A) ELECTION TO AVERAGE EARNED INCOME.—
'(1) IN GENERAL.—Under rules established by the Secretary, in the case of an eligible individual, an election made under this subsection, subsection (a) shall be applied—
'(A) by substituting ‘‘the taxpayer’s 2-year averaged earned income’’ for ‘‘the taxpayer’s earned income for the taxable year’’ in paragraph (1) thereof, and
'(B) by substituting ‘‘2-year averaged earned income’’ for ‘‘earned income’’ in paragraph (2)(B) thereof.
'(2) 2-YEAR AVERAGE EARNED INCOME.—For purposes of this paragraph, the term ‘2-year averaged earned income’ means, with respect to any taxable year, the average of—
'(A) the taxpayer’s earned income for such taxable year, and
'(B) the taxpayer’s earned income for the preceding taxable year.’’;
(5) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 204. CARRYBACK AND CARRYFORWARD OF PERSONAL EXEMPTION DEDUCTIONS.
(a) STANDARD DEDUCTION.—Section 63 of the Internal Revenue Code of 1986 (relating to standard deduction) is amended by adding at the end the following new subsection:
‘‘(g) CARRYBACK AND CARRYFORWARD OF DEDUCTIONS FOR INDIVIDUALS WHO DO NOT ITEMIZE.—
'(1) IN GENERAL.—In the case of an eligible taxpayer, if the sum of the deductions described in subsection (b) exceeds the amount of the adjusted gross income of such taxpayer for such taxable year (hereinafter in this subsection referred to as the ‘‘unused deduction’’), such excess may be added at the end of the following new subsection:
'(2) AMOUNT CARRIED TO EACH YEAR.—
'(A) ENSURE AMOUNT CARRIED TO FIRST YEAR.—The entire amount of the unused deduction for an unused deduction year shall be carried to the earliest of the 3 taxable years to which (by reason of paragraph (1)) such election may be made.
'(B) AMOUNT CARRIED TO OTHER 2 YEARS.—The amount of the unused deduction for the unused deduction year shall be carried to each of the other 2 taxable years to the extent that such unused deduction may not be used for a prior taxable year because of the amount of adjusted gross income of the taxpayer for such taxable year.

(3) ELIGIBLE TAXPAYER.—For purposes of this subsection, the term ‘eligible taxpayer’ means any eligible individual, or a taxpayer with respect to whom a credit under section 32 is allowable for such taxable year.’’;
(6) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 205. ADVANCED REFUNDABLE CREDIT FOR MEMBERS OF TARGETED GROUPS.
(a) ALLOWANCE OF CREDIT.—
(1) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 36 as section 35 and by inserting after section 35 the following new section:

SEC. 36. EMPLOYMENT CREDIT FOR MEMBERS OF TARGETED GROUPS.

(a) ALLOWANCE OF CREDIT.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this title for the taxable year an amount equal to $500.

(b) ELIGIBLE INDIVIDUAL.—For purposes of this section—
(1) IN GENERAL.—The term ‘eligible individual’ means such individual who is a member of a targeted group and—
(A) who—
'(i) has worked exactly 1,500 hours during any period beginning on the date such individual was hired and ending with or within the taxable year, and
"(ii) was continuously employed by such employer during such period, or

"(B) who—

"(I) began work with an employer during any subperiod ending with or within such taxable year, and

"(ii) was continuously employed by such employer during such 52-week period.

"(C) Special Rules.—For purposes of subsection (a)—

"(1) only 1 employer may be taken into account with respect to any eligible individual for any taxable year, and

"(2) an individual who is not treated as an eligible individual more than once with respect to any employer.

For purposes of this subsection, rules similar to the rules of subsections (a) and (b) of section 52 shall apply.

"(d) Coordination With Advance Payments.—

"(1) Recapture of Excess Advance Payments.—If any payment is made to the individual by an employer under section 3511 during any calendar year, then the tax imposed by section 3102 (relating to the payroll period) shall not be treated as income for purposes of determining the amount of any credit, deduction, or exclusion to which the individual is entitled.

"(2) Coordination of Payments Advanced and Credit Allowed.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit, deduction, or exclusion to which the individual is entitled.

"(e) Coordination With Certain Means Tests.—For purposes of paragraphs (1), (2), and (3) of section 52 of the Internal Revenue Code of 1986, the term 'targeted group' shall have the meaning given such term under section 51(d).

"(f) Special Rules.—For purposes of subsection (a)—

"(1) only 1 employer may be taken into account with respect to any eligible individual for any taxable year, and

"(2) an individual who is certified by an employer by a statement furnished under this section is treated as a member of a targeted group has the meaning given such term under section 51(d).

"(g) Special Rules.—For purposes of subsection (a)—

"(1) only 1 employer may be taken into account with respect to any eligible individual for any taxable year, and

"(2) an individual who is not treated as an eligible individual more than once with respect to any employer.

For purposes of this subsection, rules similar to the rules of subsections (a) and (b) of section 52 shall apply.

SEC. 3511. ADVANCED PAYMENT OF EMPLOYMENT CREDIT FOR MEMBERS OF TARGETED GROUPS.

"(a) In General.—Chapter 25 of the Internal Revenue Code of 1986 (relating to general provisions relating to employment taxes) is amended by adding at the end the following new subsection:

"SEC. 3511. ADVANCED PAYMENT OF EMPLOYMENT CREDIT FOR MEMBERS OF TARGETED GROUPS.

"(1) RETAINED EMPLOYEE.—For purposes of this section, the term 'retained employee' means an employee who is a member of a targeted group and—

"(A) as being not less than age 18 and not more than age 21,

"(B) as having been convicted of a misdemeanor, and

"(C) as having a hiring date which is not more than 1 year after the last date on which such individual was so enrolled or so received such activity.

"(2) QUALIFIED YOUNG OFFENDER.—The term 'qualified young offender' means an individual who is certified by a designated local agency—

"(A) as an eligible youth (as defined in section 101 of the Workforce Investment Act of 1998) who—

"(i) is not less than age 18 and not more than age 21, and

"(ii) who has been enrolled in or received a youth activity (as so defined) under chapter 4 of title I of such Act, and

"(B) as having a hiring date which is not more than 1 year after the last date on which such individual was so enrolled or so received such activity.

"(3) EMPLOYER MAY MAKE FULL ADVANCE PAYMENTS.—The Secretary shall prescribe regulations under which an employer may make full advance payments under this section, the term 'retained employee' means an employee who is a member of a targeted group and—

"(1) who—

"(A) as being not less than age 18 and not more than age 21,

"(B) as having been convicted of a misdemeanor, and

"(C) as having a hiring date which is not more than 1 year after the last date on which such individual was so convicted or was released from prison.

"(2) RETAINED EMPLOYEE.—Section 51 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"SEC. 51. DEDUCTIONS ALLOWED TO EMPLOYERS.—

"(1) RETAINED EMPLOYEE.—For the purposes of this section, the term 'retained employee' means an employee who is a member of a targeted group and—

"(A) as being not less than age 18 and not more than age 21,

"(B) as having been convicted of a misdemeanor, and

"(C) as having a hiring date which is not more than 1 year after the last date on which such individual was so convicted or was released from prison.

"(D) RETAINED EMPLOYEE.—Section 51 of the Internal Revenue Code of 1986 is amended by adding the following new subparagraph:
Mr. SPECTER. Mr. President, today I urge my colleagues to support this important legislation that will help numerous industries that are currently struggling due to a huge inventory of new homes under construction with few buyers. Many home builders are now reporting financial losses when a few years ago they were generating jobs, providing local development, and paying taxes. Expanding the NOL carryback provision to 5 years would enable builders and other businesses to receive an immediate rebate on taxes paid in previous years and provide a much needed infusion of capital to their businesses. The bill will result in the need to either increase high-cost borrowing or further liquidate land and homes, which would only compound the existing inventory problem.

The Joint Committee on Taxation estimated that passage of this provision as part of the Senate Finance Committee Stimulus package would have cost $15 billion in 2008 and $5.1 billion over 10 years. I urge my colleagues to support this important legislation that will help numerous industries that are currently struggling to survive in a harsh economic downturn.

By Mr. INHOFE:

S. 2650. A bill to provide for a 5-year carryback of certain net operating losses and to suspend the 90 percent alternative minimum tax limit on certain net operating losses; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation to expand a widely used business tax benefit whereby business owners balance out net losses over prior years when the business has a net operating gain. Spreading out this tax liability helps a business to decrease the adverse impact of a difficult year. Specifically, this legislation increases the general net operating loss, NOL, carryback period from 2 years to 5 years in the case of an NOL for any taxable year ending during 2006, 2007, or 2008.

I am pleased with the quick passage of H.R. 5140, the Recovery Rebates and Economic Stimulus for the American People Act of 2008. It provides tax rebates for individuals, capital investment incentives for businesses, and important modifications to our housing laws that will enable more homeowners to refinance their unmanageable mortgages. However, it is my belief that several important items were left behind to be included as part of this package.

One particular industry that would benefit from passage of this legislation is the home building industry, which is currently struggling due to a huge inventory of new homes under construction with few buyers. Under present law, a business loss can only be deducted from taxes paid from the previous 2 years. If the home is carried back, it must be used in the future. Many home builders are now reporting financial losses when a few years ago they were generating jobs, providing local development, and paying taxes. Expanding the NOL carryback provision to 5 years would enable builders and other businesses to receive an immediate rebate on taxes paid in previous years and provide a much needed infusion of capital to their businesses. The bill will result in the need to either increase high-cost borrowing or further liquidate land and homes, which would only compound the existing inventory problem.

I urge my colleagues to support this important legislation that will help numerous industries that are currently struggling to survive in a harsh economic downturn.

By Mr. INHOFE:

S. 2651. A bill to amend the Clean Air Act to make technical corrections to the renewable fuel standard; to the Committee on Environment and Public Works.

Mr. INHOFE. Mr. President, today I rise to introduce the Technical Corrections to the Clean Air Act’s renewable fuel standard. This measure responds to the overly aggressive biofuels increase mandated by the Energy Independence and Security Act of 2007 passed in December. The Energy bill’s mandates allow no room for error in a fuels industry already constrained by tight supplies, full capacity, environmental regulation, and volatile market conditions. This technical corrections bill is not an effort to subvert previously enacted law but rather is an attempt to smooth its unintended consequences. Recognizing the delicate political balance surrounding RFS, these simple fixes are intended to provide flexibility for the fuels industry in meeting these mandates. As ranking member on the Environment and Public Works Committee, I did not support the 2007 Energy bill. The enactment of these technical corrections would not change my overall opposition to the current flaws enacted to the Energy bill. However, this bill does make this new RFS less onerous.

The first correction to the Clean Air Act’s renewable fuels standard allows a carryover of ethanol credits. This improvement does nothing to change the currently mandated numbers. Rather, it provides flexibility to an industry facing many uncertainties. In 2007, the industry used approximately 2 billion gallons of ethanol over and above the necessary levels prescribed in the Energy Policy Act of 2005, EPACT. However, EPACT language and EPA rulemaking do not allow for 2-year consecutive “carryover” of credits. This means that although the industry has experienced the 2007 requirement, they would be unable to apply these credits after 12 months. My bill would accommodate the uncertain levels of production from year to year. Considering the myriad variables involved in the ethanol production process including crop yields, land use, and feed stock prices, it only makes sense to allow more flexibility.

Another fix extends the small refinery exemption by 2 years. This language also does not change mandated levels. A small refinery produces less than 75,000 barrels average daily aggregate and EPACT exempts these facilities from the renewable fuels numbers until 2011. These refineries are dealing with drastically smaller economies of scale in production. In order to protect these refineries from potential economic hardship and subsequent job loss, this exemption should be extended from the year 2011 to 2013.

I am hopeful that my colleagues in the Senate will join me and quickly pass the bill I am introducing today.

By Ms. LANDRIEU (for herself, Mr. INOUYE, Mr. STEVENS, Mr. LAUTENBERG, Mr. VITTER, Mr. COCHRAN, Mrs. DOLE, Mr. GRAHAM, and Mr. ALEXANDER):

S. 2652. A bill to authorize the Secretary of Defense to make a grant to the National World War II Museum Foundation for facilities and programs of America’s National World War II Museum; to the Committee on Armed Services.

Ms. LANDRIEU. Mr. President, the Second World War will probably be known as one of the greatest achievements in American history. The ultimate victory over enemies in the Pacific and in Europe is a testament to the uncommon valor of American Soldiers, Sailors, Airmen, and Marines. The years 1941 to 1945 also witnessed an unprecedented mobilization of domestic industry which supplied our fighting men on two distant fronts. As the generation that faced this challenge comes to a close, it is important that we take the time to honor those for the many sacrifices they made. It was the gallantry of American troops abroad and the tireless devotion of workers at home that brought the end of this Great War. In coming to the floor today, I honor all of the 16 million World War II veterans and their families for the many sacrifices they made. Today, along
with eight of my colleagues, I would like to introduce America’s National World War II Museum Expansion Act.

On June 6, 2000, the 56th anniversary of the D-Day invasion of Normandy, the National D-Day Museum, operated in New Orleans by an ironclad L.A. mansion. The museum is the only museum in the U.S. that exists for the exclusive purpose of accounting for the American experience during World War II, both on the battlefront and at home. The museum educates on all of the branches of the Armed Forces and the Merchant Marine.

The museum was founded by the late World War II historian Stephen Ambrose. The museum and the decision to locate it in New Orleans was the result of a conversation Mr. Ambrose had with President Dwight D. Eisenhower. It was said in the conversation that President Eisenhower and former Supreme Commander, Allied Expeditionary Forces in Europe, credited Andrew Higgins, the man behind Higgins Industries in New Orleans, as the “man who won the war for us.” Higgins designed and produced amphibious landing crafts that became known as the Higgins Boats. These boats were used in the major amphibious operation of World War II, including D-Day, and responsible for transporting the men from the ship to the shore.

The museum is a premier educational institution, which educates diverse audiences, collection of artifacts, photographs, letters, documents, and personal testimonies of participants in the war and on the home front. It is important that we continue preserving, maintaining, and interpreting the artifacts, documents, images, and history collected by the museum. For these reasons, in 2003 Congress designated the National D-Day Museum in New Orleans as America’s National World War II Museum. Since the designation, the Museum Board has embarked on an extraordinary expansion, with plans to quadruple its size. The museum will account for all service branches and campaigns of the war, including the war on the home front.

Section 1. SHORT TITLE. This Act may be cited as the “America’s National World War II Museum Expansion Act.”

Section 2. GRANT TO NATIONAL WORLD WAR II MUSEUM FOUNDATION FOR AMERICA’S NATIONAL WORLD WAR II MUSEUM.

(a) GRANT.—The Secretary of Defense may make a grant in the amount of $50,000,000 to the National World War II Museum Foundation for use in accordance with subsection (b) for the museum in New Orleans, Louisiana, designated as America’s National World War II Museum by section 8134 of the National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–87) (referred to in this section as the “Museum”).

(b) USE OF FUNDS.—The grant under subsection (a) shall be used for the following:

(1) The planning, design, and construction of a new facility for the Museum, to be known as the United States Freedom Pavilion, and its exhibits, and the design, planning, and construction of a new canopy over the courtyard of the Museum, to be known as the Canopy of Peace.

(2) The public display of artifacts, photographs, letters, personal histories dating from 1939 to 1945, including exhibits portraying American sacrifices both on the battlefield and on the home front and the industrial mobilization of the American home front.

(3) Educational outreach programs for teachers and students.

(4) Traveling exhibitions on the history and lessons of World War II for United States military facilities.

(5) Educational programs to foster the expansion of European and Pacific exhibits at the Museum to be included in the Center for the Study of the American Spirit.

(6) Projects that enable the Museum to function as a living museum between museums, scholars, and members of the general public in the United States and around the world.

(7) A readily accessible repository of information regarding the historical, social, and cultural effects of World War II.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this Act.

By Mr. COLEMAN (for himself and Mr. BINGAMAN):

S. 2653. A bill to further United States support by restoring and enhancing the competitiveness of the United States for international students, scholars, scientists, and exchange visitors and by facilitating business travel to the United States; to authorize appropriations for these purposes; and for other purposes. March 18, 2008

In the immediate aftermath of the events of 9/11, it was necessary to take the steps we did to improve and enhance our Nation’s security. But in the more than 6 years since 9/11, these well-intentioned changes have had unanticipated consequences. They have resulted in both legitimate and unfounded delays and more than 6 years since 9/11, these well-intentioned changes have had unanticipated consequences. They have resulted in both legitimate and unfounded delays and better facilitate legitimate business travel to the United States; to enhance consular staff; adopt newer,
more efficient technology; offer international students, scholars, and exchange visitors preferential consideration when scheduling in-person interview appointments; and extend security clearance validity. The Department also has established a business visa inquiry number for U.S. businesses and their worldwide counterparts, although the center cannot expedite in-person interview appointments or the processing of visa applications.

This is not to say that visa delays have disappeared entirely. Delays do continue to occur, albeit not at the huge volume they once were. Because of this, there is a lot of lingering uncertainty about the process which generates a great deal of concern for international students, scholars, exchange visitors, and business travelers, and reinforces a perception that America is not a welcoming place for international visitors.

Indeed, lingering concerns remain regarding the U.S. position in the competition for international talent, particularly among higher education, the scientific community, and the private sector. Our competitiveness problem is not just a visa problem—we cannot solve it simply by fixing the visa problems that were created after 9/11.

The U.S. now faces strong competition for international students, scholars, scientists, and exchange visitors. The United Kingdom, New Zealand, and the European Union all have coordinated, government-led strategic plans in place for attracting international students and scholars to their colleges and universities. Even our neighbor to the north, Canada, plans to announce a strategic plan this year. Meanwhile, traditional sending countries such as China and India are expanding their own higher education offerings, both to retain more of their own students and to attract international students. In the face of this competition, the U.S. still struggles along with piecemeal efforts, with each positive action seemingly cancelled out by a negative action and persistent negative perceptions. The results are worrisome.

While international student enrollment in the U.S. declined in both the 2003–2004 and 2004–2005 academic years, and remained stagnant in 2005–2006, over-all enrollment in the United Kingdom jumped more than 80,000, in Australia and France more than 50,000, and in Germany and Japan more than 20,000. In 2006, then-U.K. Prime Minister Tony Blair announced a goal of attracting an additional 100,000 international students to Great Britain in the next 5 years.

Although we have started to see the enrollment numbers tick upwards slightly just this past year—in Minnesota, 9,469 international students were studying at colleges and universities last academic year, contributing $186.4 million to the state’s economy—it is still below the peak level of 9,143 achieved in 2003–2004, so there is still ground to make up for what was lost over the past 3 years to ensure we regain our place as the most desired destination for study and for research. Even if we return to pre-9/11 numbers, we may find we have lost market share to competing nations.

Why should this matter to the U.S.? Recent public opinion polls taken around the world show that the U.S. has fallen out of favor. But these same polls also suggest that foreigners who have personally visited the U.S. have a significantly more favorable opinion than those who have never visited.

International students and scholars benefit greatly from their experiences in the U.S., not only from their studies and research, but also from living in daily American life. They carry these experiences home, often becoming ambassadors of goodwill and understanding. Many go on to achieve leadership positions in their home countries in business, politics, or education. These exchanges also benefit American students, researchers and business colleagues, who similarly have the opportunity to learn about another culture in this globalized world.

Two expert commissions recently issued recommendations citing international educational exchange as a critical component of public diplomacy outreach. Last November, the Center for Strategic and International Studies’ Commission on Smart Power cited international educational exchange as a key element for improving America’s declining standing and influence in the world. Just last month, the Secure Borders and Open Doors Advisory Committee, a federal advisory committee tasked by the Departments of Homeland Security and State to provide recommendations on the Departments’ missions to protect not only America’s security but also its livelihood, ideas, image, and strategic relationships with the world, cited the need for a proactive national strategy to mobilize all the tools and assets at our disposal to attract international students and scholars to the U.S. International students and scholars are not only important for public diplomacy, they also are essential for our Nation’s global competitiveness. They make significant contributions to our economic growth.

According to recent National Science Board data, nearly half of all graduate enrollments at U.S. colleges and universities in the science and engineering fields are international students. And these students often go on to positively impact future research and technology output in this country. I strongly support efforts to build up America’s own supply of science and technology talent, but we also must continue to actively attract international talent to our shores if we are to retain our innovative edge.

It is a reality of our time that, at the high-skill level, the temporary immigration system has become a conveyor belt of talent into the permanent immigration system. Most foreign students do want to go home after graduation, but some want to stay and use the knowledge they have acquired at our universities. For example, Ms. Indra Nooyi, the current CEO of PepsiCo, the world’s fourth largest food and beverage company, is herself a former international student who received her master’s degree from Yale University’s School of Management.

So it is for all these important reasons that Senator BINGAMAN and I once again introduce legislation on this important issue: The American Competitiveness Through International Openness Now, ACTION, Act of 2008.

This year’s bill once again calls for the establishment of a strategic plan for increasing the competitiveness of the U.S. in recruiting international students, scholars, and exchange visitors. The U.S. can no longer sit back and rest on its laurels when engaging in this global competition, especially when all of our competitors clearly have stepped up their game.

Our biggest problem is our inability to marshal the efforts of all the relevant agencies into one coherent effort. Too often, these agencies work in an uncoordinated manner, or worse, at cross purposes. These agencies, where one arm of our government sets up exchange programs to attract people and another arm of the government detains them at the border, is only the tip of the iceberg. Our legislation would create a White House-chaired International Education Coordinating Council to guide the work of the myriad agencies that affect our competitiveness for international students and exchange visitors.

One of the most important provisions in the legislation would remove the nonimmigrant intent requirement for international students, the so-called 214(b) rule. This outdated requirement forces those that student visas must intend to return home after their studies makes no sense, especially when talent-starved high-tech industries actively court international students upon graduation. As I stated earlier, our ability to attract international talent is essential to sustaining our competitive edge in the world. Retaining such a requirement is simply out of step in this day and age, especially when most of our competitors are zeroing out their policies to make it easier for international students to stay after graduation.

The bill calls for further improvement in the timeliness and efficiency of the visa process. It reduces the time for student visas to more than 45 days. It also directs the Secretary of State to issue guidance to reduce the length of time to issue visas to scientists to a maximum of 30 days, and to provide a special review process for universities that may delay more than 45 days. It also directs the Secretary to review and update the Technology Alert List on a regular basis.
and to consult with academia and the private sector as part of this review, to ensure the list reflects the current state of technology.

It also calls for expediting visa reviews for so-called "Trusted Travelers," a reliable, low-risk frequent traveler group who have a history of past visa approvals, haven't violated their immigration status, and have provided their biometric data, plus any additional information required, to the consulate. The "background protocol" for these individuals and permit consular resources to be focused on more important cases. There is also a provision to also allow expedited visa reviews for international students, scholars and exchange visitors who leave the United States temporarily to visit their families or attend conferences and require a new visa to return to the same program. Today, these people can be stranded abroad for months without being able to return to their programs.

The legislation calls for the reinstatement of domestic or stateside visa renewals for those here on employment-based non-immigrant visas. This practice was discontinued in 2004, because U.S. consulates abroad were better equipped to conduct the required biometric data from the renewal applicant. Given today's available technology, we should seek to reinstate this practice. This would help to alleviate the volume of renewal applicants at our overseas consulates, and help renewal applicants who often opt to forgo travel overseas due to the uncertainty of timely and efficient processing of their renewal applications.

Finally, there has been much public debate about driver's licenses and Real ID. In our well-intentioned efforts to ensure that only persons in the U.S. legally are able to acquire driver's licenses, we have unintentionally hamstrung the ability of legal non-immigrants to gain licenses. According to recent estimates, the unrealistic documentation and renewal requirements for international students and scholars send yet another negative signal about America's openness to them, and frankly ignore technical advances which could provide both better assurances about a person's legal status and licenses of a longer validity. Our bill will correct this problem in a way that will strengthen, not weaken, the integrity of driver's licenses.

For all of these reasons, our legislation is endorsed by NAFSA: Association of International Educators, the world's largest professional association advocating for international education and exchange programs, by the National Foreign Trade Council, the nation's premier business organization dedicated to advancing global commerce, and by USA Engage, a leading broad-based coalition of trade associations promoting global economic engagement.

The American way of life owes its success and vitality to its historic ability to harness the best in knowledge and ideas, not only those that are homegrown, but also those that come from outside our borders. The longer we wait to take action, the more we risk missing out on future U.S. academic, business, and research success.

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:

SEC. 1. SHORT TITLE.

This Act may be cited as the "American Competitiveness Through International Openness Now Act of 2008" or as the "ACTION Act of 2008."

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Although the United States is engaged in a global competition for international students and scholars, the United States lacks a comprehensive strategy for conducting and succeeding in this competition.

(2) In January 2008, the Homeland Security Advisory Committee issued a report that specifically cites international education as a key component of U.S. diplomacy, stating: "America is losing competitiveness for international students for one primary reason . . . because our competitors have—and America lacks—a proactive national strategy that enables us to mobilize all the tools and assets at our disposal, and that enables the federal bureaucracy to work together in a coherent fashion, to attract international students."

(3) Attracting the world's most talented students and scholars more means our competitors have—and America lacks—a proactive national strategy that enables us to mobilize all the tools and assets at our disposal, and that enables our federal bureaucracy to work together in a coherent fashion, to attract international students.

(4) The international student market has been transformed in the 21st century. Traditional competitor countries have adopted and implemented strategies for capturing a greater share of the market. For example, the European Union has established the Erasmus program for its citizens, which has increased the share of the market. New competitor countries have adopted strategies that are transforming the market. One primary reason is because our competitors have—and America lacks—a proactive national strategy that enables us to mobilize all the tools and assets at our disposal, and that enables the federal bureaucracy to work together in a coherent fashion, to attract international students.

(5) The number of international students enrolled at United States higher education institutions declined in the academic years 2003-04 and 2004-05, and remained constant in academic year 2005-06. In academic year 2006-07, the number of foreign enrollees increased 3 percent, yet remained below the peak level, achieved in the 2002-03 academic year.

(6) From 2003 to 2006, international student enrollments increased—

(A) by more than 80,000 in the United Kingdom;

(B) by more than 50,000 in Australia and France; and

(C) by more than 20,000 in Germany and Japan.

(7) Anecdotal evidence indicates that international students, scholars, and scientists continue to find the process of gaining entry to the United States to be eliminating unnecessary paperwork.

(8) While intensive English programs in the United States are a gateway to degree programs, international student enrollments in such programs have declined by almost 50 percent since 2000, and many schools offering such programs have closed. This is due primarily to the difficulty in obtaining a United States visa for the purpose of studying English.

(9) At a time when talent is both scarce and mobile and attracting talent is essential to the leadership, competitiveness, and security of the United States, it is as important for our Nation's visa system to be a gateway for international talent as it is for it to be a barrier to international criminals. Although the Department of State has made significant progress in improving the United States visa system, the system still does not effectively serve this dual purpose.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that it should be the policy of the United States—

(1) to make international educational exchange a priority in order to promote United States leadership, competitiveness, and security;

(2) to restore United States competitiveness for international students, scholars, scientists, and exchange visitors;

(3) to ensure that all agencies of the United States Government work together to create a welcoming environment for legitimate international students, scholars, scientists, and exchange visitors, without sacrificing safety;

(4) to pursue a visa policy that keeps the United States safe, prosperous, and free, by—

(A) addressing legitimate security concerns;

and

(B) keeping the United States a welcoming Nation; and

(5) to ensure that United States consulates have adequate resources to perform their required duties.

SEC. 4. ENHANCING UNITED STATES COMPETITIVENESS FOR INTERNATIONAL STUDENTS, SCHOLARS, SCIENTISTS, AND EXCHANGE VISITORS.

(a) STRATEGIC PLAN.

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a strategic plan for increasing the competitiveness of the United States for international students, scholars, scientists, and exchange visitors.

(2) CONTENT.—The strategic plan submitted under this subsection shall include—

(A) a clear directive to the Department of State, the Department of Homeland Security, the Department of Education, the Department of Commerce, the Department of Energy, and other Federal departments that competitiveness for international students, scholars, and exchange visitors;

and

(B) the ability of such individuals to gain entry into the United States; and

(iii) the ability of such individuals to obtain a driver's license, Social Security card, and other documents essential to daily life in the United States;

(B) a marketing plan, including continued investments in the use of the Internet and other media resources, to promote and facilitate study in the United States by international students;

and

(C) a clear division of labor among the departments referred to in subparagraph (A);

(D) a plan to enhance the role of the educational advising centers of the Department of State that are located in foreign countries to promote study in the United States and to pre-screen visa applicants;

and

(E) a report that specifically cites international education as a key component of U.S. diplomacy, stating: "America is losing competitiveness for international students for one primary reason . . . because our competitors have—and America lacks—a proactive national strategy that enables us to mobilize all the tools and assets at our disposal, and that enables the federal bureaucracy to work together in a coherent fashion, to attract international students."

(F) to pursue a visa policy that keeps the United States safe, prosperous, and free, by—

(A) addressing legitimate security concerns;

and

(B) keeping the United States a welcoming Nation; and

and

(C) a clear directive to the Department of State, the Department of Homeland Security, the Department of Education, the Department of Commerce, the Department of Energy, and other Federal departments that promote United States leadership, competitiveness, and security;

and

(D) to restore United States competitiveness for international students, scholars, scientists, and exchange visitors;
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(E) a clarification of the lines of authority and responsibility for international students in the Department of Commerce; and
(F) a clear role for the Department of Education in the competitiveness of the United States for international students; and
(G) a clear delineation of the lines of authority and responsibilities of procedures within the Department of Homeland Security related to international students, scholars, scientists, and exchange visitors.

(2) INTERNATIONAL EDUCATION COORDINATION COUNCIL.—

(I) ESTABLISHMENT.—There is established in the executive office of the President a council to be known as the International Education Coordination Council (referred to in this subsection as the “Council”).

(II) Membership.—The Council shall consist of:

(A) the Secretary of State;

(B) the Secretary of Homeland Security;

(C) the Secretary of Education;

(D) the Secretary of Commerce;

(E) the Attorney General;

(F) the Secretary of Labor;

(G) the Director of the Federal Bureau of Investigation;

(H) the Commissioner of Social Security;

(I) the head of any other agency designated by the President;

(J) the official of the Executive Office of the President to preside over the Council.

(3) FUNCTIONS.—The Council shall coordinate the activities of the Federal Government in order to further the purposes of this Act.

(4) COMPOSITION.—The Council shall be composed of the following positions, or their designees:

(A) the Secretary of State;

(B) the Secretary of Homeland Security;

(C) the Secretary of Education;

(D) the Secretary of Commerce;

(E) the Attorney General;

(F) the Secretary of Labor;

(G) the Director of the Federal Bureau of Investigation;

(H) the Commissioner of Social Security; and

(I) any other position or official the President may designate.

(5) ANNUAL REPORT.—

(A) SUBMISSION.—The President shall submit to the appropriate committees of Congress an annual report on the activities of the Council, which shall be submitted not later than June 30 of each year.

(6) DEFINITIONS.—In this section:

(A) the term "international educational exchange visitor" means an individual admitted to the United States for study, training, or business; and

(B) the term "security clearance" means a security clearance issued under section 212(a)(3)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(A)(ii)).

(B) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(C) TECHNOLOGY ALERT LIST.—The term “technology alert list” means the list of goods, technologies, and sensitive information maintained by the Department of State.

(2) PORTABILITY OF SECURITY CLEARANCES.—

(1) IN GENERAL.—The Secretary shall extend the duration of security clearances for scientists admitted to the United States, including the average processing time to complete security clearances for visa applicants in each nonimmigrant visa classification who have—

(I) been approved for a visa after receiving a security clearance until their visa is approved in the classification in which they are applying for a visa;

(II) one or more security clearances; or

(III) been denied a visa; and

(B) for a period longer than 90 days after "study.

(2) ANNUAL REPORT.—The Secretary shall submit, not later than 180 days after the date of the enactment of this Act, a report to the appropriate committees of Congress on the activities of the Council, which shall include:

(A) the extent to which the Council has provided assistance to international students, scholars, scientists, and exchange visitors;

(B) the extent to which the Council has coordinated the activities of the Federal Government in order to further the purposes of this Act; and

(C) any other information that the Council deems appropriate.

(2) ANNUAL REPORT.—The Secretary shall submit, not later than 180 days after the date of the enactment of this Act, to the appropriate committees of Congress a report on the activities of the Council, which shall include:

(A) the extent to which the Council has provided assistance to international students, scholars, scientists, and exchange visitors;

(B) the extent to which the Council has coordinated the activities of the Federal Government in order to further the purposes of this Act; and

(C) any other information that the Council deems appropriate.

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(A) the extent to which the Council has provided assistance to international students, scholars, scientists, and exchange visitors;

(B) the extent to which the Council has coordinated the activities of the Federal Government in order to further the purposes of this Act; and

(C) any other information that the Council deems appropriate.

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(A) the extent to which the Council has provided assistance to international students, scholars, scientists, and exchange visitors;

(B) the extent to which the Council has coordinated the activities of the Federal Government in order to further the purposes of this Act; and

(C) any other information that the Council deems appropriate.
the expanded enumeration-at-entry program described in paragraph (2) shall become effective at all United States ports of entry.

SEC. 3. FACILITATING BUSINESS AND ACADEMIC TRAVEL.

(a) Expedited Visa Reviews for Trusted Travelers.—

(1) Requirement.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall establish a trusted traveler program for international students, scholars, and individuals engaged in business, which shall operate in accordance with such guidance and procedures as the Secretary may determine.

(2) Expedited Traveler Descriptions.—The trusted traveler program shall provide for expedited visa review for—

(A) frequent low-risk visitors to the United States:

(i) have a history of visa approvals;

(ii) have not violated their immigration status;

(iii) have provided biometric data; and

(iv) have agreed to provide the consulate with such information as the Secretary may require; and

(B) aliens admitted under subparagraph (P) or (J) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15), who—

(i) are pursuing a program in the United States;

(ii) have not violated their immigration status;

(iii) have left the United States temporarily; and

(iv) require a new visa to return to the same program.

(3) Authority to Waive Personal Appearance.—Notwithstanding section 222(h) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15), the Secretary may waive the requirements of paragraph (2) if the consular officer with respect to trusted travelers described in paragraph (2).

(b) Enhancing Consular Resources and Performance.

(1) Requirement.—The Secretary of State shall—

(A) issue instructions providing for—

(i) enhanced staffing of United States consulates with high demand for visas and long visa-processing backlogs; and

(ii) training, in partnership with educational leaders, in educational exchange, and the business community, for consular officers with respect to processing foreign international students and scholars and individuals traveling for business;

(B) issue strong operational guidance to all United States consular posts to eliminate inconsistencies in visa processing; and

(C) through regular reviews, hold such posts accountable for removing such inconsistencies.

(2) Report.—Not later than 1 year after the date of enactment of this Act, the Secretary shall report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the implementation of this subsection.

(c) Restoration of Revalidation Procedures for Employment-Based Visas.—

(1) In General.—Section 222 of the Immigration and Nationality Act (8 U.S.C. 1222) is amended by adding at the end the following:

"(1) The Secretary of State shall issue regulations to permit an alien granted a non-immigrant visa under subparagraph (E), (H), (I), (L), (O), or (P) of section 101(a)(15) to apply for a renewal of such visa within the United States if—

"(i) such visa is valid or did not expire more than 12 months before the date of such application;

"(ii) the alien is seeking a nonimmigrant visa under the same subparagraph under which the alien had previously received a visa; and

"(iii) the alien has complied with the immigration laws of the United States."

(2) Conforming Amendment.—Section 222(h) of such Act is amended, in the matter preceding subparagraph (1), by striking "Notwithstanding" and inserting "Except as provided under subsection (i), and notwithstanding":

(3) Comprehensive Human Capital Workforce Plan.—The Secretary of State and the Secretary of Homeland Security shall jointly—

(A) develop a plan for the appropriate selection, training, and supervision of Federal Government officials whose contact with foreign citizens impacts the international image of the United States, including consular and customs and border protection officials; and

(B) submit an annual report on the implementation of the plan described in paragraph (1) to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on Homeland Security of the House of Representatives; and

(D) the Committee on Foreign Affairs of the House of Representatives.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 454—Designating the month of March 2008 as 'MRSA Awareness Month'.

Mr. DURBIN (for himself, Mr. HATCH, Mr. MENENDEZ, Mr. SPECTER, and Mr. BROWN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 454

Whereas Methicillin-resistant Staphylococcus aureus (MRSA) is a type of infection that is resistant to treatment with the usual antibiotics and is one of the most common pathogens that cause healthcare-associated infections in the United States and in many parts of the world;

Whereas a study led by the Centers for Disease Control and Prevention estimates that in 2005 there were 18,500 invasive MRSA infections occurred in the United States and more than 18,500 of these infections resulted in death;

Whereas the percentage of Staphylococcus aureus infections in the United States that are attributable to MRSA has grown from 2 percent in 1974 to 63 percent in 2004;

Whereas there are of hospitalizations associated with MRSA infections, including both HAIs and community-based infections, more than tripled between 1999 and 2005, from 108,600 to 368,600;

Whereas approximately 85 percent of all invasive MRSA infections were associated with healthcare;

Whereas several MRSA infections occur most frequently among individuals in hospitals and healthcare facilities, particularly the elderly, those undergoing dialysis, and those with surgical wounds; and

Whereas individuals infected with MRSA are most likely to have longer and more expensive hospital stays, with an average cost of $35,000;

Whereas there has been an increase in reported community-acquired staph infection outbreaks, including antibiotic-resistant strains, in States such as Illinois, New York, Kentucky, Virginia, Maryland, Ohio, North Carolina, Florida, and the District of Columbia;

Whereas clusters of community-acquired MRSA infections have been reported since the late 1990s among competitive sports teams, military bases, workplaces, military facilities, and other community settings;

Whereas a person who is not infected with MRSA can be a vehicle for the transmission of infections through skin-to-skin contact; and

Whereas many instances of MRSA transmission can be prevented through the use of appropriate hygienic practices, such as hand washing and appropriate first aid for open wounds and active infections, are followed:

Resolved: Now, therefore, be it

Whereas the annual number of hospitalizations for MRSA infections more than tripled between 1999 and 2005, from 108,600 to 368,600;

Whereas a study led by the Centers for Disease Control and Prevention estimates that in 2005 more than 94,000 invasive MRSA infections.

The already-formidable microbe that caused MRSA/AIDS and methods of preventing MRSA infections;

(4) supports the work of advocates, healthcare practitioners, and science-based experts in educating, supporting, and providing hope for individuals and their families affected by community and healthcare-associated infections; and

(5) designates the month of March 2008 as "MRSA Awareness Month."

Mr. DURBIN. Mr. President, in response to the emerging threat of methicillin-resistant Staphylococcus aureus, or MRSA, infections, I introduced legislation in November to improve the prevention, detection, and treatment of community and healthcare-associated infections.

The Methicillin-Resistant Staphylococcus Aureus (MRSA) and Healthcare-Associated Infections Reduction Act of 2007 builds on what hospitals are already doing and what infectious disease experts and government agencies agree is critical to reducing the emergence of these infections.

In the last few months, the problem has persisted and Congress has done little. The problem is not going away. Just last month a hospital in Chicago treated a patient with a nasty sore on his wrist that was attributable to MRSA. Unfortunately, the hospital found that the infection was unresponsive to two medications that have been recommended as a last resort for MRSA. The already-formidable microbe has strengthened its defenses.

Scientists are constantly trying to learn more information about MRSA and its impact on communities, even experts in educating, supporting, and providing hope for individuals and their families affected by community and healthcare-associated infections and MRSA. The already-formidable microbe that caused MRSA/AIDS and methods of preventing MRSA infections.

The already-formidable microbe that caused MRSA/AIDS and methods of preventing MRSA infections.

Whereas approximately 85 percent of all invasive MRSA infections were associated with healthcare;

Whereas several MRSA infections occur most frequently among individuals in hospitals and healthcare facilities, particularly the elderly, those undergoing dialysis, and those with surgical wounds; and

Whereas individuals infected with MRSA are most likely to have longer and more expensive hospital stays, with an average cost of $35,000;

Whereas there has been an increase in reported community-acquired staph infection outbreaks, including antibiotic-resistant strains, in States such as Illinois, New York, Kentucky, Virginia, Maryland, Ohio, North Carolina, Florida, and the District of Columbia.

The CDC estimates that in 2005 in the U.S., 94,000 people developed an
invasive drug-resistant staph infection. Out of 94,000 infections, researchers found that more than half were acquired in the health care system—people who had recently had surgery or were on kidney dialysis, for example. The needlessly—many, even from deaths from these infections every year account for more than the number of people who died from HIV/AIDS, homicide, emphysema, or Parkinson’s.

MRSA has become a persistent crisis. In 2002, Illinois hospitals diagnosed 6,841 cases of MRSA. In 2006, that number was 10,714. Steady growth in the incidence of MRSA cases shows a 56.7 percent increase over a 5-year period. As a result, the state of Illinois has taken aggressive steps to identify the infection before it grows out of control. Illinois was the first State to require testing of all high-risk hospital patients and isolation of those who carry the MRSA bacteria. Twenty-two States have passed laws that will give their residents important information about hospital infections. Nineteen States have laws that require public reporting of infection rates.

Hospitals are actively working to identify and control infections, implementing infection control plans to maintain the safety of patients. For example, Evanston Northwestern Hospital is now placing patients who test positive for MRSA in “contact isolation.” That means patients are placed in private rooms or rooms with other MRSA-positive patients. Also, patients who developed symptoms of infection at the hospitals are tested and treated on the premises. The strategy is working. Evanston Northwestern went from 1,200 cases of patient-to-patient MRSA transmission in 2003 to 80 cases in 2006, and the $600,000-a-year program saved twice as much as the cost of MRSA.

But we can’t leave it up to the hospitals to control these infections. About half of the infections that end up being treated in hospitals were actually picked up in the community. School districts, Conflict, Maryland, North Carolina, Ohio, Virginia and Kentucky have had to close to help contain the spread of an infection. School officials in Mississippi, New Hampshire, New York, and Virginia have reported student deaths from bacteria, while officials in at least four other States reported cases of students being infected.

Today, I am introducing a bipartisan resolution with the support of my colleagues Senators HATCH, Senator MENENDEZ, Senator SPECTER, and Senator BROWN to designate March as MRSA Awareness Month. We hope this resolution will bring more attention to the need to address this critical public health problem by communities and healthcare organizations, but by the Federal Government.

SENATE RESOLUTION 455—
CALLING FOR PEACE IN DARFUR

Mr. DUBIN. Mr. Voivovich, and Mr. Menendez submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. Res. 455

Whereas, during the past 4 years in Darfur, hundreds of thousands of innocent victims have been murdered, tortured, and raped, with more than 2,000,000 people driven from their homes;

Whereas some but not all of the parties to the conflict in Darfur participated in the first round of a United Nations-African Union peace process launched in October 2007 in Sirte, Libya;

Whereas the Comprehensive Peace Agreement (CPA) reached between the Government of Sudan and the Sudanese People’s Liberation Movement (SLPM) in January 2005 has not been fully or evenly implemented;

Whereas the Government of Sudan has continued to obstruct the deployment of a joint United Nations-African Union peacekeeping force to Darfur that would include non-African elements;

Whereas elements of armed rebel movements in Darfur, including the Justice and Equality Movement (JEM) and the Sudan Liberation Army (SLA), have made violent threats against the deployment of peacekeeping force;

Whereas, of former world leaders and current activists, including former president Jimmy Carter, former United Nations Secretary-General Kofi Annan, Bangladeshi microfinance champion Muhammad Yunus, and Archbishop Desmond Tutu have called for the immediate deployment of a peacekeeping force to Darfur;

Whereas, in Khartoum, thousands of students, churches, and other activists have helped raise awareness of the horrible human suffering in Darfur.

Resolved, That the Senate—

(1) calls upon the Government of Sudan and other signatories and non-signatories to the May 5, 2006, Darfur Peace Agreement to declare and respect an immediate cessation of hostilities, cease distributing arms to internally displaced persons, and enable humanitarian organizations to have full unimpeded access to displaced populations; and

(2) calls upon the Government of Sudan to facilitate the immediate and unimpeded deployment of the United Nations-African Union peacekeeping force to Darfur including any and all non-African peacekeepers;

(3) urges all invited individuals and movements to attend the next round of peace negotiations and not set preconditions for such participation;

(4) calls upon the diverse rebel movements to set aside their differences and work together in order to better represent the people of Darfur and end their continued suffering;

(5) encourages the participation in future talks of traditional Arab and African leaders from Darfur, Sudanese, local non-governmental organizations, and leaders from internally displaced persons (IDP) camps;

(6) condemns any intimidation or threats against camp or civil society leaders to discourage them from attending the peace talks, whether by the Government of Sudan or rebel leaders;

(7) condemns any action by any party, government or rebel, that undermines or delays the peace process in Darfur; and

(8) calls upon all parties to the Comprehensive Peace Agreement (CPA) to support and respect all terms of the agreement.

Mr. DUBIN. Mr. President, time and time again I have come to the floor to speak about the ongoing genocide in Darfur.

For more than 4 years the world has watched this humanitarian crisis unfold—thousands murdered, tortured, raped, and chased from their homes. Thousands more languishing year after year in refugee camps.

Many of us on both sides of the aisle have repeatedly called for greater U.S. and international action. President Bush called the situation genocide. British Prime Minister Brown said “Darfur is the greatest humanitarian crisis the world faces today.”

U.N. Secretary General Ban Ki-moon has made ending the crisis in Darfur one of his top priorities.

Thirteen former world leaders and current activists—a group of “Elders”—including former president Jimmy Carter, former U.N. Secretary General Kofi Annan, Bangladeshi microfinance champion Muhammad Yunus, and Archbishop Desmond Tutu have called for the immediate deployment of a peacekeeping force to Darfur.

Here at home, thousands of students, churches, and other activists have helped raise awareness of the horrible human suffering in Darfur.

Such efforts led to an important vote last year by the U.N. Security Council to deploy 26,000 peacekeepers from the U.N. and African Union. This peacekeeping force would go to Darfur to halt the violence and create conditions for a long-term political settlement.

Late last year, Congress passed the Sudan Divestment and Accountability Act, which will help concerned Americans ensure that their investments do not support the murderous regime in Khartoum.

Yet, despite such overwhelming calls for action, the Sudanese government continues to brutalize its own people and thumb its nose at the international community.

Earlier this week Sudanese army and allied militia forces, with the help of helicopter gunships and planes, conducted yet another major assault in Darfur, burning villages, killing civilians, and forcing thousands more to flee to increasingly unstable Chad.

Equally troubling are blatant efforts by the Sudanese government to obstruct deployment of the peacekeeping force. For example, Sudan’s leaders have balked at deployment of non-African forces. Last month government forces fired upon a peacekeeping convoy.

In recent months the regime has even appointed notorious figures complicit in the Darfur genocide to senior government positions. Two are wanted by the International Criminal Court for war crimes.

Incredibly, one such figure, Ahmed Haroun, was actually appointed to be Minister of Humanitarian Affairs, ostensibly to assist the very people he helped displace.

It is time to bring an end to the violence and set the conditions for a long-term political settlement.
Last week Senator Biden led a resolution that called on the President to immediately address any equipment shortcomings with the peacekeeping force. I wholeheartedly agree. The White House must not allow a modest shortage of equipment to prolong the suffering in Darfur.

Today I am introducing a resolution, along with Senators Biden, Brownback, Coleman, Feingold, Menendez, and Voinovich, that calls for an immediate halt to the violence and a commitment from all sides to participate in the next round of peace talks.

The resolution also calls upon the government of Sudan to facilitate the immediate and unfettered deployment of the U.N.-African Union peacekeeping force, including any and all non-African peacekeepers.

The resolution calls upon the diverse rebel movements to set aside their differences and work together in order to better represent the people of Darfur and end their continued suffering.

The resolution condemns any action by any party—government or rebel—that undermines or delays the peace process.

The resolution call upon the government of Sudan to enable humanitarian organizations to have full unfettered access to populations in need; and it calls upon all parties to the Comprehensive Peace Agreement between North and South Sudan to support and respect all terms of the agreement.

We have allowed the humanitarian crisis in Darfur to continue for far too long. We have allowed a brutal regime to repeatedly obstruct and ignore the international community.

I call on my colleagues to join us as we call on the U.S. to put in full weight behind deployment of a peacekeeping force and pushing all sides toward a long-term political solution.

SENATE RESOLUTION 456—DIRECTING THE UNITED STATES TO ENTER INTO DISCUSSIONS WITH CANADA TO NEGOTIATE AN AGREEMENT TO CONSERVE POPULATIONS OF LARGE WHALES AT RISK OF EXTINCTION THAT MIGRATE ALONG THE ATLANTIC SEABOARD OF NORTH AMERICA

Ms. Snowe (for herself, Ms. Collins, and Mr. Sununu) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. Res. 456

Whereas populations of large whales in the north Atlantic, including north Atlantic right whales, fin whales, and humpback whales, were substantially reduced, largely due to commercial whaling efforts that ended policy setting of 20 years ago in the United States and more than 30 years ago in Canada, and rebuilding and protecting these species requires significant conservation efforts;

Whereas the United States and Canada share the goals of marine resource conservation through sound scientific research and seek to protect large whales at risk of extinction;

Whereas north Atlantic right whales, humpback whales, and fin whales are listed as ‘endangered under the United States Endangered Species Act’ and ‘depleted’ under the Marine Mammal Protection Act, and north Atlantic right whales are listed as ‘endangered under the United States Endangered Species Act’ as a species of ‘special concern’ under Canada’s Species at Risk Act;

Whereas north Atlantic right whales, humpback whales, and fin whales migrate throughout the north Atlantic Ocean, including through the waters of the United States and Canada along the eastern Atlantic Seaboard;

Whereas the populations of large whales in the north Atlantic Ocean are affected by natural factors including availability of forage and oceanographic conditions such as water temperature, salinity, and currents, and additional research on these topics will facilitate whale conservation;

Whereas some fishermen in both the United States and Canada employ fixed gear types within the migratory range of large whales, thereby exposing the species to risks associated with entanglement and harassment; and

Whereas the United States and Canadian waters have been known to strike large whales resulting in injury or death of the cetaceans;

Whereas some fishermen have taken significant regulatory and advisory steps to reduce the impacts of its fishing and shipping activities on large whale species, including restrictions on gear, closure of areas to certain types of fishing effort seasonally, and advisory restrictions on vessel traffic;

Whereas effective regulations to ensure conservation and protection of these large whale species must be a transboundary, bi-lateral effort that equitably distributes the costs and benefits of whale conservation and does not among regulated and other concerned parties in each nation, including the United States and Canadian governments, the fishing and shipping industries, States, Canadian provinces, and interested nongovernmental organizations;

Whereas Canada and the United States have a history of cooperation on transboundary marine resource issues, including a joint effort by the Canadian Department of Fisheries and Oceans and the United States’ National Marine Fisheries Service’s New England Aquarium to assist entangled whales in the Bay of Fundy and Gulf of Maine;

Whereas the United States National Oceanic and Atmospheric Administration has long been involved with a series of bilateral discussions with Canada concerning the United States Atlantic Large Whale Take Reduction Plan, and the Canadian Species at Risk Plan;

Whereas encouraging collaboration between representatives of the United States and Canadian Federal governments, affected States and Canadian provinces, affected fishing and shipping industries, and nongovernmental organizations will facilitate the parties’ ability to develop a sound, scientifically supported, mutually acceptable agreement; and

Resolved, by the Senate, That—

(1) the United States should undertake bilateral discussions with Canada to negotiate an agreement for the conservation and protection of migratory populations of large whales at risk of extinction in the northwestern Atlantic Ocean;

(2) the agreement negotiated pursuant to paragraph (1) should contain mechanisms, inter alia, for reducing incidents of endangered large whales becoming entangled in fishing gear, being struck by ships, or otherwise adversely impacted by human activity;

(3) the mechanisms developed pursuant to paragraph (2) should ensure that—

(A) the costs and benefits of whale conservation regulations are to the extent feasible fairly and equitably distributed among regulated and other concerned parties in the United States; the U.S. Federal governments, the fishing and shipping industries, States, Canadian provinces, and interrelated nongovernmental organizations;

(B) the full economic impact on fishing communities is considered in the development of such measures; and

(C) the best available science on whale behavior, including diving, feeding, and migration, is used to develop conservation mechanisms;

(4) as any bilateral agreement is negotiated and implemented, the United States and Canada should consult with, inter alia, affected fishery management agencies, coastal States and provinces impacted by the agreement, and appropriate industry and nongovernmental organizations; and

(5) until the agreement pursuant to paragraph (1) becomes operational, the United States should continue efforts to reduce the impacts of human activity on endangered large whales while taking steps, to the extent consistent with United States law, to minimize the potential impact of such efforts on affected industries.

Ms. Snowe. Mr. President, I rise today to introduce a resolution directing the U.S. to undertake bilateral discussions with Canada to negotiate an agreement to conserve endangered large whales that migrate along the Atlantic seaboard of North America. I would also like to thank my colleagues, Senators Collins and Sununu, for their continued support in recognizing international boundaries, and it is critical that we work with our neighbors to develop consistent means to protect whales from potentially harmful interactions with fishing gear, ships, and other mammal threats.

Both the U.S. and Canada have taken steps to reduce the impacts of their respective maritime industries on endangered whale populations, but neither country can provide protection working independently of the other. Large whales, including critically endangered north Atlantic right whales, humpback whales, and fin whales, migrate throughout the north Atlantic Ocean, crossing frequently between Canadian and U.S. waters where fishermen on both sides of the boundary employ fishing methods that pose a risk of entanglement, and transiting ships have been known to strike the cetaceans, resulting in serious injury or death.

The U.S. has long been a global leader in marine mammal protection. The Atlantic Large Whale Take Reduction Plan, developed under the auspices of the National Marine Fisheries Service, NMFS, carries a mandate to reduce incidents of whale entanglement with fishing gear and of ship strikes, and it has issued numerous regulations aimed at achieving its goals. Unfortunately, much of its regulatory effort, U.S. fishing industry have not been matched by their management counterparts north of the border. Most recently, in
October of this year, NMFS issued new regulations, including a mandate for lobster fishermen to use sinking rope to connect their strings of lobster pots. The intent of this rule is to reduce the amount of rope in the water column and thus the likelihood of whales becoming entangled. Traditionally, lobstermen have fished using floating rope because in the strong tides and rocky sea floor we experience in many areas off the coast of Maine, sinking rope can chafe, abrade, and break quite easily. These rules, however, are due to take effect in October of this year will increase fishermen’s overhead cost by requiring more frequent replacement of degraded rope, and pose a safety hazard for our lobstermen. Canadian fishermen experience no similar restrictions on their gear, thereby reducing their overhead costs relative to U.S. fishermen. This not only gives them a competitive advantage in the marketplace, but also provides no benefit to the endangered species. Our lobstermen are making sacrifices to protect.

Canada should be praised, however, for its efforts to implement regulations on its shipping industry, including imposing speed limits in areas whales are known to frequent. NMFS’s Take Reduction Team has developed similar regulations for shippers transiting areas of U.S. waters, and NMFS sent its final rule to the Office of Management and Budget nearly 1 year ago, but to date, that office has failed to release it. I find it inexcusable that the administration finds it acceptable to impose harsh restrictions on the lobster industry, which is comprised of hardworking small businessmen struggling to make ends meet, but refuses to impose restrictions on a multi-billion dollar industry. This despite the fact that the cost of the ship strike rules, expressed as a percentage of the affected industry’s total earnings, will be a fraction of the cost of the gear restrictions. This is exacerbated by the fact that since 2001, nearly three times more whales have been confirmed killed by ship strikes than by entanglement in fishing gear.

I expect that this resolution will serve as a catalyst for productive conversations between the U.S. and Canada that will ultimately lead to development of bilateral whale protection measures. By agreeing to equal protection measures in U.S. and Canadian waters, we can not only guarantee more comprehensive protection for endangered whales, but also a fair distribution of cost to affected industries and a level playing field for both U.S. and Canadian products.

SENATE RESOLUTION 497—RECOGNIZING THE CULTURAL AND HISTORICAL SIGNIFICANCE OF THE CHINESE NEW YEAR OR SPRING FESTIVAL

Mr. REID submitted the following resolution; which was considered and agreed to:

WHEREAS the Chinese New Year is celebrated on the second new moon following the winter solstice;

WHEREAS February 7, 2008, marks the first day of the Chinese New Year for 2008, also known as the Year of the Rat or the Year of Wu Zi;

WHEREAS the Chinese New Year festivities begin on the first day of the first lunar month and end 15 days later with the celebration of the Lantern Festival;

WHEREAS there are approximately 3,500,000 Chinese-Americans in the United States, many of whom will be commemorating this important occasion;

WHEREAS this year will be marked by celebrations throughout our country as Chinese-Americans gather to watch the dragon and lion dances; and

WHEREAS the United States Postal Service will debut a new stamp series for the 12 animals in the Chinese calendar on February 9, 2008, with the series continuing through 2019; Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the cultural and historical significance of the Chinese New Year or Spring Festival;

(2) in observance of the Chinese New Year, expresses its deepest respect for Chinese-Americans and all those throughout the world who will be celebrating this significant occasion; and

(3) wishes Chinese-Americans and all those who observe this holiday a happy and prosperous new year.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4038. Mr. VITTER 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 4039. Mr. DeMINT submitted an amendment proposed by 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.

SA 4040. 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 4041. 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 4042. 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 4043. 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 4044. 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 4045. 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 4046. 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 4047. 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 4048. 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 4049. 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 4050. 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 4051. 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 4052. 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 4053. 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 4054. 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 4055. 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 4056. 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 4057. 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 4058. 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 4059. 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 4060. 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 4061. 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 4062. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3899 proposed by Mr. DORGAN (for himself and Ms. MURKOWSKI) 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 4063. Mr. BINGAMAN (for himself and 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.

SA 4064. Mr. REID (for Mr. BIDEN) proposed an amendment to the resolution S. Res. 444, 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.

TEXT OF AMENDMENTS

SA 4038. Mr. VITTER 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 294, strike lines 11 through 15 and insert the following:

Igrams involving treatment for victims of sexual abuse who are Indian children or children in an Indian household.

SA 4039. 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; to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

Beginning on page 7, strike line 17 and all that follows through page 9, line 5.

SA 4040. 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; 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 7, line 23, strike ‘‘and Urban Indians’’

SA 4041. 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; 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 8, lines 19 and 20, strike ‘‘, and conference with Urban Indian Organizations.’’.

SA 4042. 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 11, strike lines 7 through 9 and insert the following:

"(B) providing immunizations.

SA 4043. 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 11, strike lines 17 through 19 and insert the following:

"medicinal, environmental health and engineering, and allied health professions.

SA 4044. 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 11, strike lines 21 through 23 and insert the following:

"(A) improving health, including by raising public awareness about

SA 4045. 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 12, strike lines 3 and 4.

SA 4046. 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 12, strike lines 5 and 6.

SA 4047. 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 12, strike lines 7 and 8.

SA 4048. 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 12, strike lines 9 and 10.

SA 4049. 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 12, strike line 18.

SA 4050. 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 12, strike line 24.

SA 4051. 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 13, strike lines 5 and 6.

SA 4052. 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 13, strike line 15.

SA 4053. 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 13, strike line 19.

SA 4054. 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 14, strike line 1.

SA 4055. 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 14, strike line 8.

SA 4056. 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 14, strike lines 10 and 11 and insert the following:

by the Service or a Tribal Health Program to pro-

SA 4057. 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 14, line 20, strike "(I)".

On page 15, line 2, strike "or".

On page 15, strike lines 3 and 4.

SA 4058. 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 15, line 6, insert "or" after the semicolon.

On page 15, strike lines 8 through 10 and insert the following:

Interior to be an Indian for any purpose.

SA 4059. 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 16, lines 5 and 6, strike "including former reservations in Oklahoma, Indian allotments, and" and insert "including Indian allotments and".

SA 4060. 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 18, strike lines 12 through 20 and insert the following:

"(B) The individual is determined to be an "

SA 4061. 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 48, strike lines 13 and 14 and insert the following:

efforts of an Indian Health Program; and

SA 4062. 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 92, strike lines 22 and 23.

SA 4063. 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 92, strike lines 14 through 16 and insert the following:

and therapeutic and residential treatment centers.

SA 4064. 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:

At the appropriate place, add the following:

SEC. 34. RECISSION AND TRANSFER OF FUNDS. (a) RECISSION OF CERTAIN EARMARKS.—All of the amounts appropriated by the Consolidated Appropriations Act, 2008 (Public Law 110–161) and the accompanying report for congressional directed spending items for the City of Berkeley, California, or entities located in such city are hereby rescinded. (b) TRANSFER OF FUNDS TO OPERATION AND MAINTENANCE, MARINE CORPS.—The amounts rescinded under subsection (a) shall be transferred to the "OPERATION AND MAINTENANCE, MARINE CORPS" account of the Department of Defense for fiscal year 2008 to be used for recruiting purposes.

SA 4068. 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:

Beginning on page 221, strike line 1 and all that follows through page 245, line 24.

SA 4069. 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 260, between lines 15 and 16, insert the following:

(b) TRANSFER OF FUNDS TO OPERATION AND MAINTENANCE, MARINE CORPS.—The amounts rescinded under subsection (a) shall be transferred to the "OPERATION AND MAINTENANCE, MARINE CORPS" account of the Department of Defense for fiscal year 2008 to be used for recruiting purposes.

SA 4070. 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 309, between lines 19 and 20, insert the following:

"(c) FIREARM PROGRAMS.—None of the funds made available to carry out this Act may be used to carry out any antifirearm program, gun buy-back program, or program to discourage or stigmatize the private ownership of firearms for collecting, hunting, or self-defense purposes.

SA 4071. 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 364, strike lines 7 through 9 and insert the following:

SEC. 3. INDIAN TRIBES WITH CERTAIN GAMING REVENUES.

This Act and the amendments made by this Act shall not apply to any Indian tribe carrying out any class III gaming activity (as defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

SA 4079. 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 364, strike lines 17 through 23.

SEC. 3. INDIAN TRIBES WITH CERTAIN GAMING REVENUES.

This Act and the amendments made by this Act shall not apply to any Indian tribe carrying out any class III gaming activity (as defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

SA 4074. 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:

At the end, add the following:

TITILE III—APPLICABILITY

SEC. 3. INDIAN TRIBES WITH CERTAIN GAMING REVENUES.

This Act and the amendments made by this Act shall not apply to any Indian tribe carrying out any class III gaming activity (as defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)) are in excess of $100,000,000.

SA 4075. 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 364, strike lines 7 through 9 and insert the following:

"(C)" and insert "(C)"

On page 365, line 1, strike "through (C)" and insert "and (B)"

SA 4073. 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:

At the end, add the following:

TITILE III—APPLICABILITY

SEC. 3. INDIAN TRIBES WITH CERTAIN GAMING REVENUES.

This Act and the amendments made by this Act shall not apply to any Indian tribe carrying out any class III gaming activity (as defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

SA 4078. 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:

At the end, add the following:

TITILE III—APPLICABILITY

SEC. 3. INDIAN TRIBES WITH CERTAIN GAMING REVENUES.

This Act and the amendments made by this Act shall not apply to any Indian tribe carrying out any class III gaming activity (as defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)) are in excess of $100,000,000.

SA 4076. 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 364, strike paragraph (12) of section 4 of the Indian Health Care Improvement Act (as amended by section 101) and insert the following:

"(12) The term ‘Indian’ means any individual who is a member of an Indian Tribe.

At the end, add the following:

SEC. 8. STUDY ON TOBACCO-RELATED DISEASE AND DISPROPORTIONATE HEALTH EFFECTS ON TRIBAL POPULATIONS.

"Not later than 180 days after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008, the Secretary, in consultation with appropriate Federal departments and agencies and acting through the epidemiology centers established under section 209, shall solicit from independent organizations bids to conduct, and shall submit to Congress a report describing the results of a study to determine possible causes for the high prevalence of tobacco use among Indians.

At the end of title I, add the following:

SEC. 9. GAO STUDY AND REPORT ON PAYMENTS FOR CONTRACT HEALTH SERVICES.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States (in this section referred to as the ‘‘Comptroller General’’) shall conduct a study on the utilization of health care services furnished by health care providers under the contract health services program funded by the Indian Health Service and operated by the Indian Health Service, an Indian Tribe, or a Tribal Organization (as those terms are defined in section 4 of the Indian Health Care Improvement Act).

(2) ANALYSIS.—The study conducted under paragraph (1) shall include an analysis of—

(A) the amounts reimbursed under the contract health services program described in paragraph (1) for health care furnished by entities, individual proprietors, and suppliers, including a comparison of reimbursement for such health care through other public programs and in the private sector;

(B) barriers to access to care under such contract health services program, including, but not limited to, barriers relating to travel distances, cultural differences, and public or private sector reluctance to furnish care to patients under such program;

(C) the adequacy of existing Federal funding for health care under such contract health services program; and

(D) any other items determined appropriate by the Comptroller General.

SA 4080. Mr. DEMINT submitted an amendment intended to be proposed to 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, add the following:

SEC. 8. RECISSION AND TRANSFER OF FUNDS.

(a) RECISSION OF CERTAIN EARMARKS.—All of the amounts appropriated by the Consoli- dated Appropriations Act, 2008 (Public Law 110-161) and the accompanying report for congressional directed spending items for the City of Berkeley, California, or entities located in such city are hereby rescinded.

(b) TRANSFER OF FUNDS TO OPERATION AND MAINTENANCE, MARINE CORPS.—The amounts rescinded under subsection (a) shall be transferred to the “OPERATION AND MAINTENANCE, MARINE CORPS” account of the Department of Defense for fiscal year 2008 to be used for recruiting purposes.

(c) CONGRESSIONAL DIRECTED SPENDING ITEM DEFINED.—In this section, the term “congressional directed spending item” has the meaning given such term in paragraph 505 of rule XLIV of the Standing Rules of the Senate.

SA 4081. Mr. DURBIN 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:

"(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States (in this section referred to as the ‘‘Comptroller General’’) shall conduct a study on the utilization of health care services furnished by health care providers under the contract health services program funded by the Indian Health Service and operated by the Indian Health Service, an Indian Tribe, or a Tribal Organization (as those terms are defined in section 4 of the Indian Health Care Improvement Act).

(2) ANALYSIS.—The study conducted under paragraph (1) shall include an analysis of—

(A) the amounts reimbursed under the contract health services program described in paragraph (1) for health care furnished by entities, individual proprietors, and suppliers, including a comparison of reimbursement for such health care through other public programs and in the private sector;

(B) barriers to access to care under such contract health services program, including, but not limited to, barriers relating to travel distances, cultural differences, and public or private sector reluctance to furnish care to patients under such program;

(C) the adequacy of existing Federal funding for health care under such contract health services program; and

(D) any other items determined appropriate by the Comptroller General.

SA 4080. Mr. DEMINT submitted an amendment intended to be proposed to 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, add the following:

SEC. 8. RECISSION AND TRANSFER OF FUNDS.

(a) RECISSION OF CERTAIN EARMARKS.—All of the amounts appropriated by the Consoli- dated Appropriations Act, 2008 (Public Law 110-161) and the accompanying report for congressional directed spending items for the City of Berkeley, California, or entities located in such city are hereby rescinded.

(b) TRANSFER OF FUNDS TO OPERATION AND MAINTENANCE, MARINE CORPS.—The amounts rescinded under subsection (a) shall be transferred to the “OPERATION AND MAINTENANCE, MARINE CORPS” account of the Department of Defense for fiscal year 2008 to be used for recruiting purposes.

(c) CONGRESSIONAL DIRECTED SPENDING ITEM DEFINED.—In this section, the term “congressional directed spending item” has the meaning given such term in paragraph 505 of rule XLIV of the Standing Rules of the Senate.

SA 4081. Mr. DURBIN 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)
SEC. 213. EXTENSION OF PROHIBITION ON MEDICAID PUBLIC PROVIDER AND GRADUATE MEDICAL EDUCATION RULES.

Section 711 of the Social Security Act is amended by striking paragraph (A) and inserting the following:

"(A) adequate trained personnel; or

"(B) other necessary components of contract performance.

"(B) PAY RATES.—For the purpose of implementing the requirements of this section, the Secretary shall assure that the rates of pay for personnel engaged in the construction or renovation of facilities constructed or renovated in the manner prescribed for safe and sanitary waste disposal facilities pursuant to section 302. Such preference may be accorded by the Secretary unless the Secretary finds, in the matter preceding subparagraph (A) by striking "1 year" and inserting "2 years".

SA 4082. Mr. DORGAN (for himself and Ms. MURKOWSKII) proposed an amendment to SA 3299 proposed by Mr. DORGAN (for himself, Ms. MURKOWSKII, 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 139, strike lines 5 through 9 and insert the following:

"(III) may include such health care facilities, and such renovation or expansion needs of any health care facility, as the Service may identify; and

"(IV) the Secretary shall not approve any request to construct or expand such health care facility unless the Secretary finds, in the matter preceding subparagraph (A) by striking "1 year" and inserting "2 years".

SEC. 214. EXTENSION OF PROHIBITION ON MEDICAID PUBLIC PROVIDER AND GRADUATE MEDICAL EDUCATION RULES.

On page 143, strike lines 15 through 17 and insert the following:


Beginning on page 159, strike line 12 and all that follows through page 161, line 16, and insert the following:

"SEC. 302. PREFERENCE TO INDIANS AND INDIAN FIRMS.

"(a) DISCRETIONARY AUTHORITY; COVERED ACTIVITIES.—In the event that the Secretary, in the matter preceding subparagraph (A) by striking "1 year" and inserting "2 years".

"(b) Other preference to Indian Tribes and tribal organizations, or to Indian or any enterprise, partnership, cooperation, or other type of business organization owned and controlled by an Indian or Indians including former or currently federally recognized Indian Tribes in the State of New York (hereinafter referred to as an 'Indian firm') in the construction and renovation of Service facilities pursuant to section 301 and in the construction or renovation of safe and sanitary waste disposal facilities pursuant to section 302. Such preference may be accorded by the Secretary unless the Secretary finds, pursuant to rules and regulations promulgated by the Secretary, that the function or project will not be satisfactorily or satisfactory and that the function or project cannot be properly completed or maintained under the proposed contract. The Secretary, in arriving at such a finding, shall consider whether the Indian or Indian firm will be deficient in the following:

"(1) ownership and control by Indians;

"(2) equipment;

"(3) bookkeeping and accounting procedures;

"(4) substantive knowledge of the project or function to be contracted for;
SA 4083. Mr. BINGAMAN (for himself and Mr. LOTT) 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:

SEC. 410—REPORT AND REPORT ON PAYMENTS FOR CONTRACT HEALTH SERVICES.

(a) STUDY.—

(1) In General.—The Comptroller General of the United States (in this section referred to as the "Comptroller General") shall conduct a study on the utilization of health care furnished by health care providers under the contract health services program funded by the Indian Health Service and operated by the Indian Health Service, an Indian Tribe, or a Tribal Organization (as those terms are defined in section 4 of the Indian Health Care Improvement Act).

(2) Analysis.—The study conducted under paragraph (1) shall include an analysis of—

(A) the amounts reimbursed under the contract health services program described in paragraph (1) for health care furnished by entities, including contractors, suppliers, and providers of such health care;

(B) how to most efficiently utilize such contract health services program, including, but not limited to, barriers relating to travel distances, cultural differences, and public and private sector resistance to furnish care to patients under such program;

(C) the adequacy of existing Federal funding for health care under such contract health services program, including, but not limited to, barriers relating to travel distances, cultural differences, and public and private sector resistance to furnish care to patients under such program;

(D) any other items determined appropriate by the Comptroller General.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a), together with recommendations regarding—

(1) the appropriate level of Federal funding that should be established for health care under such contract health services program described in subsection (a)(1); and

(2) how to most efficiently utilize such funding.

(c) CONSULTATION.—In conducting the study under subsection (a) and preparing the report under subsection (b), the Comptroller General shall consult with the Indian Health Service, Indian Tribes, and Tribal Organizations.

SA 4084. Mr. REID (for Mr. BIDEN) proposed an amendment to the resolution S. Res. 444, expressing the sense of the Senate regarding the strong alliance that has been forged between the United States and the Republic of Korea; as follows:

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The hearing will be held on February 28, 2008, at 2:00 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 177/H.R. 2085, to authorize the Secretary of the Interior to convey to the McGee Creek Authority certain facilities of the McGee Creek Project, Oklahoma; S. 2281, for other purposes; S. 1474/H.R. 1139, to authorize the Secretary of the Interior to plan, design and construct facilities to provide water for irrigation, municipal, domestic, and other uses from the Broadwater Basin, Santa Ana River, California, and for other purposes; S. 1929, to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to conduct a feasibility study of water augmentation alternatives in the Sierra Vista Subwatershed; S. 2370, to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and for other purposes; S. 2381, to authorize the Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, 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 email to Gina_Weinstock@energy.senate.gov. For further information, please contact Michael Connor at (202) 224-5479 or Gina_Weinstock at (202) 224-5684.

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, February 14, 2008, at 2:30 p.m. in open session, in order to receive testimony on the strategy in Afghanistan and recent reports by the Afghanistan study group and the Atlantic Council of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. 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 Thursday, February 14, 2008, at 10 a.m., in order to conduct a hearing entitled "The State of the United States Economy and Financial Markets."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DORGAN. 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 Thursday, February 14, 2008, at 9:30 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 USDA Forest Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, February 14, 2008, at 9:30 a.m., in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled, "Legislative Hearing on the Marine Vessel Emissions Reduction Act of 2007, S. 1499."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, February 14, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building, in order to hear testimony on "International Aspects of a Climate Change Cap and Trade Program."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 14, 2008, at 3:45 p.m. in order to hold a committee coffee with Her Excellency Dora
Bakoyannis, Foreign Minister of the Hellenic Republic.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DORGAN. Mr. President, I ask unanimous consent that the committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Thursday, February 14, 2008, at 10:00 a.m. in SD-409.

Agenda


The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DORGAN. 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 Thursday, February 14, 2008, at 3:00 p.m. in room 628 of the Dirksen Senate Office Building, in order to conduct an Oversight Hearing on the President's budget for the Department of Homeland Security, and the Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, February 14, 2008, at 2:30 p.m. in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INTELLIGENCE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 14, 2008, at 2:30 p.m. in room 628 of the Dirksen Senate Office Building, in order to conduct an Oversight Hearing on the FY 2009 intelligence authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, February 14, 9:30 a.m. in room 628 of the Dirksen Senate Office Building, in order to conduct an Oversight Hearing on the President's budget for Tribal Programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, in order to conduct an executive business meeting on Thursday, February 14, 2008 at 10:00 a.m. in room SD-226 of the Dirksen Senate Office Building.

Agenda:

I. Bills: S. 2304, Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2007 (Domenici, Kennedy, Specter, Leahy); S. 2449, Sunshine in Litigation Act of 2007 (Kohl, Leahy, Graham); S. 352, Sunshine in the Courtroom Act of 2007 (Grassley, Schumer, Leahy, Specter, Graham, Feingold, Cornyn, Durbin); S. 2316, Helping Families Save Their Homes in Bankruptcy Act of 2007 (Durbin, Schumer, Whitehouse, Biden); S. 2133, Home Owners' Mortgage Equity Savings Act (Specter, Coleman).

II. Nominations: Kevin J. O'Connor to be Associate Attorney General, Department of Justice, Gregory G. Katsas to be Assistant Attorney General, Civil Division, Department of Justice.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Thursday, February 14, 2008, at 9:45 a.m., in order to conduct a hearing entitled, "Building and Strengthening the Federal Acquisition Workforce.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 14, 2008, at 2:30 p.m. to hold an open hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CORNYN. Madam President, I ask unanimous consent that Colin Brooks, a fellow in my office, be given floor privileges for the remainder of the 110th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIHEAP

Mr. REID. Mr. President, I feel I wouldn't be doing my duty if I didn't refer to the distinguished Chair at this time and indicate what a tremendous job he has done in advocating for some of the poorest people in America. But for you, the issue dealing with people being cold in their homes, not having money to pay their heating and other bills—mainly heating—would not be on the floor of this body. We are going to get that done. We have to get it done before the cold is gone.

I say to my friend, being from Vermont, you experience the bitter winters. We in Nevada experience the very hot summers, and people in Nevada who are poor and infirm suffer as much from the heat as people in Vermont do from the cold. So just because winter is not in its full throes a month from now, we are going to continue to push on this issue until we get it done. We are not going to wait until next year to do that.

UNANIMOUS CONSENT AGREEMENT—S. 2633 AND S. 2634

Mr. REID. Mr. President, I ask unanimous consent that on Monday, February 25, notwithstanding rule XXII, it be in order to move to proceed to the following in the order listed, and that cloture be filed; and once the motion has been made and cloture filed, the motion to proceed be withdrawn and the mandatory quorum be waived, with the cloture vote occurring on Tuesday, February 26, upon disposition of H.R. 1320, the resolution to ratify the Strategic Arms Limitation Treaty; and Calendar No. 340, H.R. 3221, the bill to reauthorize the Patriot Act.

Mr. DORGAN. Mr. President, I ask unanimous consent that on Monday, February 25, notwithstanding rule XXII, it be in order to move to proceed to the following in the order listed, and that cloture be filed; and once the motion has been made and cloture filed, the motion to proceed be withdrawn and the mandatory quorum be waived, with the cloture vote occurring on Tuesday, February 26, upon disposition of H.R. 1320, the resolution to ratify the Strategic Arms Limitation Treaty; and Calendar No. 340, H.R. 3221, the bill to reauthorize the Patriot Act.

NEW DIRECTION FOR ENERGY INDEPENDENCE, NATIONAL SECURITY, AND CONSUMER PROTECTION ACT AND THE RENEWABLE ENERGY AND CONSERVATION TAX ACT OF 2007—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to bring to a close debate on the motion to proceed to Calendar No. 340, H.R. 3221, and ask the clerk to report the cloture motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 340, H.R. 3221.

Harry Reid, John D. Rockefeller IV, Russell D. Feingold, Max Baucus, Charles E. Schumer, Kent Conrad, Patty Murray, Amy Klobuchar, Jeff
February 14, 2008

CONGRESSIONAL RECORD — SENATE

S1083


Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the cloture votes not occur prior to the aforementioned cloture votes, and that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the cloture vote not occur prior to the aforementioned cloture votes, and that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the cloture vote not occur prior to the aforementioned cloture votes, and that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the cloture vote not occur prior to the aforementioned cloture votes, and that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the cloture vote not occur prior to the aforementioned cloture votes, and that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the cloture vote not occur prior to the aforementioned cloture votes, and that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the cloture vote not occur prior to the aforementioned cloture votes, and that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the cloture vote not occur prior to the aforementioned cloture votes, and that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.
The legislative clerk read as follows:

A resolution (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.

Whereas, in accordance with the Helsinki Final Act, NATO has contributed to the protection and stability of the region and the strengthening of democratic, military, and economic institutions in European structures; and

Whereas, in an era of threats from terrorism and the proliferation of weapons of mass destruction, NATO is increasingly contributing to security in the face of global security challenges for the protection and interests of its member states; and

Whereas the Government of Georgia and the Government of Ukraine have each expressed a desire to join the Euro-Atlantic community, and Georgia and Ukraine are working closely with NATO and its members to meet criteria for eventual NATO membership; and

Whereas, at the NATO-Ukraine Commission Foreign Ministerial meeting in Vilnius in April 2006, NATO and Ukraine launched an Intensified Dialogue on membership between the Alliance and Ukraine; and

Whereas, following a meeting of NATO Foreign Ministers in New York on September 21, 2006, NATO Secretary General Jaap de Hoop Scheffer announced the launching of an Intensified Dialogue on membership between NATO and Georgia; and

Whereas the Riga Summit Declaration, issued by the heads of state and government participating in the meeting of the North Atlantic Council in November 2006, reaffirms that NATO’s door remains open to new members and will continue to address the security challenges of the post-Cold War era in creating the stable environment needed for emerging democracies in Europe and Eurasia; and

Whereas lasting stability and security in Europe and Eurasia require the military, economic, and political integration of emerging democracies into existing European structures; and

Whereas, in January 2008, Ukraine forwarded to NATO Secretary General Jaap de Hoop Scheffer a letter, signed by President Victor Yushchenko, Prime Minister Yulia Timoshenko, and Verkhovna Rada Speaker Arseny Yatsenyuk, requesting that NATO integrate Ukraine into the Membership Action Plan; and

Whereas, in January 2008, Georgia held a referendum on NATO and 76.22 percent of the votes supported membership, and in February 2008, NATO and Ukraine launched an Intensified Dialogue on membership between NATO and Georgia; and

Whereas each country has made a substantial contribution to our common security, addressing the security challenges of the post-Cold War era in creating a stable environment needed for emerging democracies in Europe and Eurasia; and

Whereas, NATO membership requires significant national and international commitments and sacrifices and is not possible without the support of the populations of the NATO member states; now, therefore, be it

Resolved, That it is the sense of the Senate that—

(A) reaffirms its previous expressions of support for continued enlargement of the North Atlantic Treaty Organization (NATO) to include qualified candidates; and

(B) supports the commitment to further enlargement of NATO to include democratic governments that are able and willing to meet the responsibilities of membership; and

(C) recognizes the cultural and historical significance of the Chinese New Year or spring festival.

February 14, 2008

CONGRESSIONAL RECORD — SENATE

February 14, 2008

The resolution (S. Res. 457) recognizing the cultural and historical significance of the Chinese New Year, held annually on the first day of the first lunar month of the Chinese calendar.

For the approximately 3,500,000 Chinese-Americans currently living in the United States, the Chinese New Year represents one of the most important times for families and friends to get together and celebrate their rich cultural history. In my home county, Clark County, NV, thousands of Chinese-Americans, and Asian-Americans of various nationalities and ethnicities, recently celebrated the inception of the Year of the Rat.

In fact, February 7, 2008, of our calendar, the date on which the Year of the Rat began, marked the beginning of year 4705 of the Chinese calendar. I am so proud to recognize and offer my best wishes to all those Nevadans and Americans who have followed in the footsteps of so many past generations to observe this 2-week long festival, which culminates in the Lantern Festival to be held on the fifteenth day of the lunar month.

Throughout this 15-day celebration, many members of Nevada’s Chinese-American community will take this opportunity to spend time with their families and engage in traditional activities, such as the dragon and lion dances. To all of my friends back in Clark County, and throughout Nevada as a whole who observe this holiday, I wish you a joyous and prosperous New Year.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and any statements related to the resolution to be considered out of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 457) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 457

Whereas the Chinese New Year is celebrated on the second new moon following the winter solstice; and

Whereas February 7, 2008, marks the first day of the Chinese New Year for 2008, also known as the Year of the Rat or the Year of Wu Zi; and

Whereas the Chinese New Year festivities begin on the first day of the first lunar month and end on the 15th day with the celebration of the Lantern Festival; and

Whereas there are approximately 3,500,000 Chinese-Americans in the United States, many of whom will be commemorating this important occasion; and

Whereas this day will be marked by celebrations throughout our country as Chinese-Americans gather to watch the dragon and lion dances; and

Whereas the United States Postal Service will debut a new stamp series for the 12 animals of the Chinese calendar on February 9, 2008, with the series continuing through 2019; now, therefore, be it

Resolved, That the Senate—

(1) recognizes the cultural and historical significance of the Chinese New Year or Spring Festival;
Providing for Conditional Adjournment or Recess of the House and Senate

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to the immediate consideration of H. Con. Res. 293.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows.

A concurrent resolution (H. Con. Res. 293) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid on the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 293) was agreed to, 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 2 p.m. on Monday, February 18, 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 2 p.m. 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 Wednesday, February 22, 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 22, 2008, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

Str. 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.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President, pursuant to section 5 of title 1 of Division H of Public Law 110-161, appoints the following Senator as vice chairman of the U.S.-Japan Interparliamentary Group conference for the 110th Congress: the Senator from Alaska, Mr. Stevens.

The Chair, on behalf of the President pro tempore, pursuant to the provisions of 2 U.S.C. Sec. 1151, as amended, appoints the following individuals to serve as members of the National Commission on Children and Disasters: Mark Shriver of Maryland and Sheila Leslie of Nevada.

The Chair, on behalf of the President pro tempore, pursuant to the provisions of Public Law 110-161, appoints the following individuals to serve as members of the Board of Trustees of the World Leadership Center: the Senator from Mississippi, Mr. Wicker.

The Chair, on behalf of the Democratic Leader, pursuant to the provisions of Public Law 110-161, appoints the following individuals to serve as members of the Board of Trustees of the Open World Leadership Center: the Senator from Mississippi, Mr. Wicker.

The Chair, on behalf of the President pro tempore, pursuant to the provisions of 2 U.S.C. Sec. 1151, as amended, appoints the following individuals to serve as members of the Board of Trustees of the Open World Leadership Center: the Senator from Mississippi, Mr. Wicker.

The Chair, on behalf of the President pro tempore, pursuant to the provisions of Public Law 100-722, reappoints the following individual to the Federal Judicial Center Foundation Board: John B. White, Jr., of South Carolina.

AUTHORITY FOR COMMITTEES TO REPORT

Mr. REID. I ask unanimous consent that Senate committees may report legislative and Executive Calendar business, notwithstanding a recess or adjournment of the Senate, on Friday, February 22, 2008, from 10 a.m. to 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Recess Until 10 A.M. Tomorrow

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 8:13 p.m., recessed until Friday, February 15, 2008, at 10 a.m.

Nominations

Executive nominations received by the Senate:

FEDERAL INSURANCE TRUST FUND

JEFFREY ROBERT BROWN, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS. VICE THOMAS R. SAYING.

THE JUDICIARY

DAVID GUSTAFSON, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS, VICE JOEL L. SMITH, JR., RETIRED.

THE JUDICIARY

JOSEPH EVAN LEIBOW, OF OREGON, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA. VICE THOMAS R. SAVING, RETIRED.

DEPARTMENT OF STATE

JOSPEH EVAN LEIBOW, OF OREGON, 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 STATE OF QATAR. VICE STEPHEN JAMES NOLAN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOTSWANA.
INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA

SAMUEL W. SPECK, OF OHIO, TO BE A COMMISSIONER ON THE PART OF THE UNITED STATES ON THE INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA, VICE DENNIS L. SCHORNACK.

THE JUDICIARY

WILLIAM T. LAWRENCE, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF INDIANA, VICE JOHN DANIEL TINDER, ELEVATED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 624:

To be general

LT. GEN. WALTER L. SHARP, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JAMIE M. LARIVIERE, 0000
COL. KENNETH J. LEE, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

Rear Adm. (LH) MOIRA N. FLANDERS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

Rear Adm. (LH) TIMOTHY V. FLYNN III, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

Rear Adm. (LH) JULIUS S. CAESAR, 0000
Rear Adm. (LH) WENDI B. CARPENTER, 0000
Rear Adm. (LH) GARLAND F. WRIGHT, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

Rear Adm. (LH) WILLIAM R. BREKE, 0000
Rear Adm. (LH) MARK H. RUSEY, 0000
Rear Adm. (LH) PHILIP H. CULLEON, 0000
Rear Adm. (LH) MARK I. FOX, 0000
Rear Adm. (LH) TIMOTHY M. GIARETINA, 0000
Rear Adm. (LH) ROBERT S. HARWARD, JR., 0000
Rear Adm. (LH) WILLIAM H. HILDEBRAND, 0000
Rear Adm. (LH) DANIEL HOLLOWAY, 0000
Rear Adm. (LH) DOUGLAS J. MCANENY, 0000
Rear Adm. (LH) JOHN W. MILLER, 0000
Rear Adm. (LH) MICHAEL S. O'BRYAN, 0000
Rear Adm. (LH) FRANK C. PANDOLFE, 0000
Rear Adm. (LH) DAVID L. PHILMAN, 0000
Rear Adm. (LH) BRIAN C. PRINDLE, 0000
Rear Adm. (LH) JOHN W. MILLER, 0000
Rear Adm. (LH) JAMES P. WISECUP, 0000
EXTENSIONS OF REMARKS

HONORING STATION MENEMSHA AS THE RECIPIENT OF THE SUMNER I. KIMBALL AWARD

HON. WILLIAM D. DELAHUNT
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2008

Mr. DELAHUNT. Madam Speaker, I rise today to honor United States Coast Guard Station Menemsha, of Martha’s Vineyard, Massachusetts, as the recipient of the prestigious Sumner I. Kimball Readiness Award.

The Kimball Award is a rarity in the United States Coast Guard, as very few units attain this level of outstanding performance. It demands a grade of 90 percent or higher during a rigorous week-long inspection, requiring a combination of exemplary test scores, crew proficiency, superb vessel condition, excellent performance in drills, a successful and progressive unit training program, survival systems readiness and good administrative work by all personnel.

This award actually marks the second time that Menemsha has been given this prestigious honor—they won it for the first time in 2004.

This award is named after the Maine native who introduced training, performance standards and accountability into the life saving organization that eventually became the Coast Guard. This honor is extremely difficult to achieve, and even more noteworthy considering the high-tech vessel the crew must master and maintain, the 47-foot Motor Lifeboat. Of the 200 Coast Guard stations throughout the country, only a handful receive the Kimball Award, and only two stations that operate the 47-foot MLB were so honored.

The Menemsha Coast Guard station has come a long way. In the early 1990s it was in danger of closing, but the people of Martha’s Vineyard rallied to save it. For a brief period it was used by the Town of Chilmark, and then it became a substation of the Woods Hole station. In recent years, it became a full-time station and—time and time again—has proven its importance. It is not just a testament to the station, but it is a tribute to the hard-working men and women who serve our Coast Guard and who are willing to put their life on the line to protect the safety of mariners and the integrity of our coast.

On the Vineyard, the Coast Guard is an important part of the community. Those who first served as life savers came from the island, and are part of a very proud tradition that began here years ago. Today, those who serve in Station Menemsha are not just representing a Federal agency, but are very much members of the community, honoring the proud tradition of service that the people of Martha’s Vineyard hold dear.

Station Menemsha’s remarkable achievement is not just about receiving an award; it is a testament to the professionalism and dedication that each member of the station brings to the job. In their line of work, readiness and competence is the difference between life and death.

I would like to congratulate and recognize Station Chief Steve Barr and the men and women stationed at Menemsha for their exemplary service:

BM3 Dustin Shaw, BM2 Matthew Spohn, BM2 Bill Robertson, SK2 Rachel Glade, MK3 Christopher Guice, FN Julie Lopatka, BCOM Jack Downey, BMC Chris Bobrowski, FN Shannon Heinzelman, BM3 Rashae Wilson, BM2 Lance Nelligan, MK3 Greg Lockwood, BM2 Jerry Pignatelli, BM1 Mike Micucci, MK2 Nicholas Prescott, SN Jarrett Dube, RADM Timothy Sullivan, MK3 Andrew Chace, BM2 Patrick Bryant, BM3 Andrew Leblanc, BM3 Joe Pancotti, CAPT Raymond Perry, and BM3 Mark Chaniks.

[From the Martha's Vineyard Times, Jan. 31, 2008]

STATION MENEMSHA WINS RARE READINESS AWARD

(by Steve Myrick)

Last summer, a fishing boat in a dangerous stretch of water off Aquinnah was talking on water. The call was to United States Coast Guard Station Menemsha.

Petty Officer Second Class Lance Nelligan scurried his crew, and guided the station’s 47-foot motor lifeboat to the distressed vessel, where the fishing crew was moments away from abandoning their sinking boat.

"They came across Devil's Bridge," said Petty Officer Nelligan, "bounced a couple of rocks, split a whole bunch of big cracks in the bottom of their hull. We were able to get out there, we put two people on board to rig a pump and get the boat pumped."

Petty Officer Nelligan recounts the story of his day's work the way most people mention writing a sales report, replacing a fan belt, or waiting on a customer. The skill, training, and preparation of his crew saved a valuable boat and got two very grateful fishermen safely back to port. But to him, it's no big deal.

But the Sumner I. Kimball Award? Now that's a big deal to Petty Officer Nelligan.

"To have somebody come in and say the job you're doing is award worthy, is a really big deal," he said. "The things that we're tested on, it's absolutely everything you can think of. It takes a lot, a lot, a lot of work to keep those boats ready, and keep the crew ready."

"In my mind," adds Petty Officer Second Class Bill Robertson, "this is almost the Super Bowl of the Coast Guard."

BOAT OF NOTE

The Kimball Award is named for the Maine native who introduced training, performance standards, and accountability into the life saving organization that eventually became the Coast Guard.

The honor is extremely difficult to achieve, and even more noteworthy considering the high-tech vessel the crew must master and maintain. It is a test of readiness, including the condition of the vessel, along with the skill and training of the crew, administered by inspectors so tough that the award represents more than passing an exam on a specific day. They know an engine leak, a poorly maintained pump, or a navigation error may mean points deducted in the material condition of his vessel: a missing screw in a plastic cover. It was nothing that would have interfered in the boat’s operation, but it cost him a precious point in the rating system.

"I can't believe I missed that," said Petty Officer Micucci. "The guys that come and do these inspections, they are the ones that have the Kimball award grade sheet. "They are the ones that have the Kimball award grade sheet."

Station Menemsha was welcoming newborn son Isaac into the world.

Petty Officer Second Class Lance Nelligan, earned by only one other station in the entire Coast Guard this year.

Click photo for larger version.

TOUGH TEST

Seven months after the grueling evaluation, MK First Class Mike Micucci, the head engineer, still scolded himself about one of the most serious faults the inspectors found in the material condition of his vessel: a missing screw in a plastic cover. It was nothing that would have interfered in the boat’s operation, but it cost him a precious point in the rating system.

"I can’t believe I missed that," said Petty Officer Micucci. "The guys that come and do these inspections, they are the ones that have the Kimball award grade sheet. "They are the ones that have the Kimball award grade sheet."

Senior Station Chief Steve Barr was unaccounted for at the ceremony. At the moment his station personnel received the award, he was welcoming newborn son Isaac into the world.

"I feel like I did a good excuse," said Admiral Sullivan. "Another little Coastie coming along."

"I wish I could have been there, absolutely," said Chief Barr. "It’s a joy for me that my crew got this award, with or without me. The fact that we got this Kimball with the 47-foot motor lifeboat is just amazing. It's a big deal, and we have a lot of junior people there. They did exceptionally well. I'm very proud of all their hard work."

READY AND ABLE

As difficult as the Kimball Award is to get, it is not difficult to understand how the station achieved the honor. Speaking to the personnel offers a glimpse of the professionalism, pride, and dedication which courses through the ranks. They understand that the award represents more than passing an exam on a specific day. They know an engine leak, a poorly maintained pump, or a navigation error may mean points deducted from the Kimball award grade sheet. - They
watch us plot position, lay down courses,” said Petty Officer Nelligan. “How we organize the crew, how we get our boat set up, how we’re going to respond. They’re pretty much testing everything that could possibly go wrong.”

The unit also realizes these things can mean life or death when it’s not a drill. “We are a second home station,” said Petty Officer Nelligan. “It’s the middle of the night, it’s the middle of the day, during a meal, those are the times you really have to snap to get the boats ready.”

Petty Officer Nelligan joined the Coast Guard shortly after the September 11, 2001 attacks on the World Trade Center in New York City. “I wanted to be involved in some branch of the service that I knew was going to protect my family, and this country,” said the Dennis native.

Petty Officer Robertson, who grew up in Wrentham, is a six-year veteran of the Coast Guard. He flashes a broad grin when recalling the day Chief Barr told the assembled crew that they had won the Kimball Award. “Definitely a lot of big smiles and high fives,” he said.

Petty Officer Robertson likes the Menemsha assignment so much, he asked to extend his duty an extra year. “I like the whole Island vibe, the whole atmosphere, hard and play hard. We have a really tight-knit crew here. We work hard and play hard.”

The pride carries over to the town of Chilmark, which has come to think of the station as its own. “They are an integral part of our community,” said Chilmark selectman Frank Fenner Jr., who along with selectman Riggs Parker, and a large contingent of town officers, police officers, residents, attended the morning ceremony. “I’m proud that this station is doing so well.”

HORRIFIC ATTACK ON BAGHDAD MARKET

HON. DAVID G. REICHERT
OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2008

Mr. REICHERT. Madam Speaker, I rise today with a heavy heart. On February 1, 2008, two young women with developmental disabilities walked into a Baghdad market, most likely unaware that they were being used as walking bombs, about to be remotely detonated.

In a horrific and coordinated attack, these vulnerable women lost their lives, along with more than 70 other innocent bystanders.

As the godfather of a young boy who has developmental disabilities and as a strong advocate for that community, it is my hope that we continue to fight against the exploitation of these heroic people wherever in the world.

This horrific attack is the latest demonstration of the kind of uncivilized evil that we are confronting in the war on terror. We have even heard rumors this week that young children are being used by these terrorists. What kind of human being would stoop to this level to achieve their aims?

Madam Speaker, this event should serve as an example why our Nation must continue to protect the rights of the innocent and to continue to preserve freedom for everyone.

TRIBUTE TO DEBBIE HALEY

HON. EDDIE BERNICE JOHNSON
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2008

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to pay tribute to a longtime civic and political leader from East Houston—Debbie Haley of Terrell—who died recently at the age of 72. Mrs. Haley was an outstanding citizen who devoted a lifetime to helping those in her community, and she will be missed by all those who knew her.

Leona Deborah Penn Haley was born on February 24, 1935, in Queens, a borough of New York City, the daughter of Edward and Rella Penn. She was a graduate of Queens College. From 1958 to 1966, Haley taught in elementary schools in New York and Nashville, TN. In 1968, Haley and her husband, a physician, moved to Houston.

Mrs. Haley emphasized education as the key to advancing minority interests. Founder of the Texas Black Caucus, in 1976, she was a delegate to the Democratic National Convention.

Debbie Haley was also a president of the Cultural Arts Council of Houston and Harris County. For years, she also was a board member of the United Negro College Fund.

Madam Speaker, Debbie Haley’s commitment to her community, her legacy of generosity, and her selflessness serve as an example to all Americans. It is people like Debbie, working together in communities in Texas that make our Nation so great. We can celebrate the power of one individual, Debbie Haley, by bringing the best out of all of us in our neighbors, our community, and our Nation.

In addition to her son Anthony, survivors include her husband, Ronald Haley of Houston; two other sons, Sean Haley of Pearland and Kyle Haley of North Hollywood, Calif.; and a daughter, Rhonda Sewell of Sugar Land.

She was well-loved and well-respected in Houston and Texas, and she will be missed by all those who knew her. Madam Speaker, I am honored today to pay a final tribute to this outstanding community leader, Debbie Haley.

HONORING MR. VIC TRUJILLO

HON. MARK UDALL
OF COLORADO

IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2008

Mr. UDALL of Colorado. Madam Speaker, I rise today to congratulate Mr. Vic Trujillo for receiving the “7-Everyday Hero” award. I am pleased to recognize his service and the many contributions he has made to our community.

For the last 12 years, Lions Club member Vic Trujillo has volunteered side by side. Their dedication to the community blossomed into a program to prevent neighbors from going hungry while empowering youth to help others. Mr. Trujillo has continued the family’s commitment to community service even after his wife passed.

Partnering with schools in the tri-town area of Firestone, Frederick, and Dacono, the Trujillos have created a canned-goods competition in which area schools compete to collect the most canned goods. Prairie Ridge Elementary School won the most recent competition—collecting well over 4,000 canned food items. With the cans from other schools, this program fills the tri-town food closets each year—providing about 60 families with donated food each month. For people who do not have homes or food, this service is life-saving.

To augment the canned resources, Mr. Trujillo has also encouraged these schools to sponsor a community bingo game.

Madam Speaker, I ask my colleagues to join me in congratulating Mr. Vic Trujillo for his exceptional community work and to express our appreciation for his efforts. I’m proud to acknowledge his reception of the “7-Everyday Hero” award and wish him good health, happiness, and success in his future endeavors.

HONORING JOHN MIKOLAJCIK, OF AMERICAN CANYON, CALIFORNIA

HON. KENNY C. HULSHOF
OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2008

Mr. HULSHOF. Madam Speaker, on February 12, 2008, I was unavoidably detained and missed votes. Listed below are the votes I missed and how I would have voted had I been there.

H. Res. 954, rollcall No. 43—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. Had I been here, I would have voted “yes.”

H. Res. 999, rollcall No. 44—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. Had I been here, I would have voted “yes.”

H. Con. Res. 281, rollcall No. 45—Celebrating the birth of Abraham Lincoln and recognizing the prominence the Declaration of Independence played in the development of Abraham Lincoln’s beliefs. Had I been here, I would have voted “yes.”

HONORING JOHN MIKOLAJCIK, OF AMERICAN CANYON, CALIFORNIA

HON. MIKE THOMPSON
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2008

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize John Mikolajcik in honor of his service to the city and people of American Canyon, California.

Mr. Mikolajcik was born in Cohoes, New York, on April 30, 1921. He received his call of duty a day after Pearl Harbor. He enlisted in the United States Marine Corps, where he served 4½ years as a mess sergeant. In 1954 he built and opened the Mid City Nursery in American Canyon, a nursery which has continued to flourish throughout the years. He began his career of public service when he was appointed to the American Canyon School Board, which was consolidated into the Napa Valley Unified School District, serving a total of 22 years. Thanks to the guidance of Mr. Mikolajcik, American Canyon now has three
COMMENDING DR. KHEM AGGARWAL FOR HIS CONTRIBUTIONS TO HIGHER EDUCATION

HON. RODNEY ALEXANDER
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2008

Mr. ALEXANDER. Madam Speaker, I rise today to commemorate Dr. Khem Aggarwal for his outstanding contributions to the field of higher education.

Dr. Aggarwal has been an educator in higher education for over 50 years, having served in his homeland, India, for 13 years, at the University of Wisconsin, Whitewater, Wis., from 1983 to 1986, Temple University, Philadelphia, Pa., from 1981 to 1983, and currently serving as Professor of Mathematics at Louisiana State University at Alexandria, Alexandria, La., where he has been teaching since 1986.

Dr. Aggarwal has made a tremendous impact on the achievements and successes of students who have enrolled in his college courses. His first priority has and continues to be ensuring the academic development of his students, as evidenced by time spent with them both inside and outside of the classroom setting.

Throughout his tenure at Louisiana State University at Alexandria, alumnus as well as university graduates have consistently reported how Dr. Aggarwal contributed to their success in their chosen career fields. Moreover, his colleagues regard him as an excellent professor and deem him a gracious and grateful person deserving of recognition and honor for his active role in the advancement of higher education.

Madam Speaker, I ask my colleagues to join me in commending Dr. Khem Aggarwal for his exceptional contributions and remarkable influence on the field of higher education.

TRIBUTE TO GULF COPPER & MANUFACTURING

HON. RON PAUL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2008

Mr. PAUL. Madam Speaker, on February 27, the Galveston Chamber of Commerce will present its business of the year award to Gulf Copper & Manufacturing Corporation. Gulf Copper, in recognition of the many contributions that it has made to the Galveston community. I am pleased to join my friends from the Galveston Chamber of Commerce in paying tribute to Gulf Copper.

Gulf Copper is an employee-owned company that has been in existence for over 50 years. Originally specializing in the installation of copper tubing on marine vessels, Gulf Copper has since expanded into the offshore, military marine, petrochemical, and industrial markets with base services including full topside marine repair, steel fabrication, steel and mechanical repair, machining, painting, and blasting. These expansions of service are helping Gulf Copper achieve their objective of being the preferred provider of marine and industrial fabrication and repair services in the Texas gulf coast.

Gulf Copper's customer list includes most major U.S. commercial ship operators as well as the U.S. Government Maritime Administration, Coast Guard, U.S. Navy, U.S. Army Corps of Engineers, and the Military Seafall Command.

Gulf Copper's success has brought many benefits to Galveston. For example, Gulf Copper is responsible for pumping a seven-digit revenue stream into the Port of Galveston. Gulf Copper is also a source of employment for many residents of Galveston County. In June 2007, Gulf Copper Dry Dock and Rig Repair added an additional 683 employees to its already large staff. Gulf Copper has also helped attract London-based Rolls Royce Commercial Marine to the Galveston area.

Gulf Copper also benefits the people of Galveston by serving as a model of corporate civic involvement. The company has helped promote Galveston's Oceans of Opportunities, and for the first time made available this revenue stream to essential personnel, they have it at minimal cost to the Federal government.

This is the sort of creative thinker Bill Armbruster is. He uses the power of his office to make positive changes in his department and for the men and women who serve our military.

Even more recently Bill has been front and center on negotiating a complicated land swap at the former Fort Ord that, again, will result in much needed housing for Army personnel and for the first time will make available this housing to essential personnel attached to the DLI and other Federal agencies. This deal, colloquially known as the Stilwell Kidney exchange, involves the Army, the City of Sea-side, the California State Parks system and the American Youth Hostel. It has taken 4 years to accomplish. But Bill stuck with it because he knew it was the right thing to do to advance the mission of the Army and the nation.

Madam Speaker, I will miss Bill Armbruster for his creativity, his dedication and especially his humanity. He was always looking out for our service men and women's quality of life. It has been a joy to work with a man of such integrity, and I wish him well in the years ahead.
Mr. JACKSON of Illinois. Madam Speaker, I rise today to bring attention to “The King Legacy Award for International Service.” In January 2007, Greek Ambassador Alexandros Mallias received this coveted award for his contributions to peace in the Balkans, to Greek-American relations, and to efforts to prevent such abhorrent practices as human trafficking, which is a modern form of slavery.

Accepting the award, the Greek ambassador spoke of Dr. King’s struggle for freedom and against discrimination in the context of the search for justice memorialized by classic Greek tragic playwrights, like Aeschylus in his play “Prometheus Bound” and Sophocles in his play “Antigone.” He also highlighted the inspiration we draw from Dr. King’s struggle for democracy worldwide, including Greece during military dictatorship in the late 1960s, and against discrimination, noting also that AHEPA, the largest and oldest Greek-American association, was founded in Atlanta, GA in 1922, precisely to defend Greek immigrants from segregation.

Below is an article Ambassador Mallias wrote on Dr. King and the Greek classics.

[From the Washington Times, Jan. 29, 2008]

DR. KING AND THE GREEK CLASSICS

(By Alexandros P. Mallias)

This year will mark the 40th anniversary of the death of Martin Luther King, Jr. His death on April 4, 1968, found my country in mourning. The United States, I have gone back to the staples of my education with new appreciation—Sophocles, Plato, Homer, Heraclitus, Thucydides. And I realized that the Rev. Dr. King’s words of Dr. King brought to mind Antigone, a sort of yearning of the soul for the realm of the gods. Then the Greek language talks about philia, this intimate affection between personal friends. The Greek language comes out with another word for love. It is the word agape . . . the understanding, creative, redemptive good will for all men. It is a love that seeks nothing in return.

Euridice men and women have researched the education of Dr. King, concluding that he studied the ancient Greek classics at length and drew inspiration not only from the Bible, but also from ancient Greek philosophers, playwrights and political figures.

Dr. King’s “Letter From Birmingham Jail” of April 16, 1963, was addressed to his fellow clergymen and expounded upon his own theory of civil disobedience: “I submit that an individual who breaks a law that conscience tells him is unjust, and who willingly accepts the penalty of imprisonment . . . is in reality expressing the highest respect for law” brought to mind Antigone, a reluctant but inevitably brave heroine, in Sophocles’ nameplay, who said: “I will not obey an unjust law, and if something happens because of it—so be it.”

This was not wasted on classics professor Lewis Susman of the University of Florida, who wrote extensively on this connection.

I need no further proof of the inspiration Dr. King imparted from the classics than his own words in the last speech of his life, “I’ve Been to the Mountaintop,” which resonated around the world on April 3, 1968, just one day before his assassination in Memphis: “I would take my mental flight by Egypt through, or rather across the Red Sea, through the wilderness on toward the promised land. And in spite of its magnificence, I wouldn’t stop there. I would move on by Greece, and then by Mount Olympus. And I would see Plato, Aristotle, Socrates, Euripides and Aristophanes assembled around the Parthenon as they discussed the great and eternal issues of reality.”

Dr. King’s words to inspire me. And what I impart from him is similar to what I imparted from the ancient Greek tradition that the “good life” is the one in which the individual partakes in the responsibilities and concerns of all society.

HONORING ALIPIO COCO CABRERA

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2008

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in recognizing Uno, the first beagle to win “Best In Show” at the 2008 Westminster Kennel Club Dog Show.

Uno was bred and is co-owned by Kathy Weichert, of Belleville, IL. While Uno came into this competition with 32 previous best in show ribbons, he faced considerable competition at this year’s Westminster event. Not only had no beagle ever won “Best In Show” at Westminster, no beagle had even placed first in the hound division since 1939.

Uno not only won the recognition of the judges at this year’s Westminster Kennel Club Dog Show, but he was also the fan’s favorite as was made evident by the rousing, standing ovation from the capacity crowd at Madison Square Garden when his victory was announced.

Madam Speaker, I ask my colleagues to join me in congratulating Kathy Weichert, owner of K-Run Kennels in Belleville, IL and recognizing Uno, this year’s “Best In Show” winner at the 2008 Westminster Kennel Club Dog Show.
TRIBUTE TO CHARLES E. POWERS

HON. JOHN M. SPRATT, JR.
OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2008

Mr. SPRATT. Madam Speaker, I rise to pay tribute to Mayor Charles E. Powers, the former mayor of Fort Mill, SC, a town I have the honor of representing. I call his service to the attention of the House because his long years in office are a model for local government.

Charles Powers served as mayor of Fort Mill for 24 years, and before that, as a member of the city council. During all these years, he worked and raised a family, but the City claimed his devotion. As mayor, he was totally committed. Fort Mill came first.

While serving as mayor, Charles Powers oversaw his small town as it grew and grew in the backwash of Charlotte, NC. He made sure that Fort Mill got its share of the growth, yet never lost its hometown quality, its hospitality and friendship. He helped Fort Mill remain a special place, and not become a bedroom suburb of Charlotte. He had the vision to see the need for a new city hall, for a local library, for a visitors’ center on Main Street, and for numerous other projects. Under his leadership, things got done. Fort Mill flourished as an all-American town.

In his latest race for re-election, Charles Powers did not have the good fortune of winning, but he took defeat with the grace and goodwill that always marked his years in office.

Just a few days ago, Charles Powers, in his well earned role as ambassador of good will, opened the door of a local convenience store, and spoke kindly to the stranger going out. Before he realized that the man had just robbed the store, the stranger turned his pistol on Charles Powers and shot him. Fortunately, Charles Powers survived the assault, and is out and about Fort Mill again.

Local elected officials like Charles Powers deal with problems that nuzzle people most, from potholes to public schools. Leaders like him solve those problems and make our democracy and our communities livable. When they step down after years of service, they deserve our recognition and respect.

IN TRIBUTE TO ABRAHAM BALDWIN AGRICULTURAL COLLEGE

HON. JIM MARSHALL
OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2008

Mr. MARSHALL. Madam Speaker, I rise today to pay tribute to Abraham Baldwin Agricultural College, which is known throughout the State as one of the Nation’s 10 best community colleges.

The school, which is a product of a 1906 Georgia law that established a district agricultural high school in each of Georgia’s congressional districts. Mr. H.H. Tift successfully led an effort to secure the school for Tifton, which outbid other area cities. The school—originally named The Second District A&M School—opened its doors on February 20, 1908.

Madam Speaker, students received a high school education that let them go on to careers in farming, business and medicine, but as an educational institution, the State saw the need for a men’s senior State college in South Georgia. In 1924, the school began the transition from a high school curriculum to a college program as the South Georgia A&M College.

This would be the first of several changes to the school’s name and purpose. The biggest change came in the midst of the Great Depression in 1933, when the college’s focus was narrowed to just agriculture and home economics and it was renamed the Abraham Baldwin Agricultural College to honor a Georgia signer of the United States Constitution.

Madam Speaker, the school’s focus has expanded over the years and now includes 57 diverse programs of study, including bachelor of applied science degrees in diversified agriculture, and in turfgrass and golf course management.

ABAC’s programs in turfgrass and golf course management have been cited as some of the best in North America, and the college has also been recognized for its top marks in student-facility interaction and academic challenges.

Madam Speaker, I am confident my colleagues will join me in honoring ABAC for its 100 years of service to Georgia’s students.

HONORING CLARENCE, NEW YORK
HON. THOMAS M. REYNOLDS
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2008

Mr. REYNOLDS. Madam Speaker, it is with great honor that I rise today in celebration and recognition of the 200th anniversary of Clarence, NY.

The roots of this historic town date back to 1799, when Asa Ransom became the first to settle there. Ransom opened a tavern, sawmill and gristmill in the area that is today known as the Clarence Hollow. Also among the first to settle in Clarence was Asa Harris, who opened a tavern on the other side of the town in 1807.

It was 1 year later on March 11, 1808, that Clarence was incorporated. This made Clarence the oldest town in Erie County. After its incorporation, Clarence continued to attract farmers and businesses; churches also began to spring up throughout the 52 square mile town. This growing town played a large role in Western New York during the War of 1812. When people fled the City of Buffalo in 1813 due to the fires set by the British, many took refuge in Clarence. Among those who sought shelter were the Salisbury Brothers, who published the Buffalo Gazette from the Asa Harris Tavern.

The late 1800s saw a number of cultural advances in the then small town of Clarence. The first carouseel built in the United States was constructed in Clarence in 1897 by Carl Newman and Carl Landow. This hand operated carouseel was utilized by the people of Clarence for over 30 years. Also, the importance of education has a strong history in the town. In 1897, the Parker Union Academy received a large addition, including two towers, one for an observatory and one for a bell. The dedication to the improvement of the school system has been a tradition carried on to the current students in Clarence. A most recent achievement in this area was receipt of the National School of Excellence award that Clarence High School earned in the 2001–2002 school year.

After World War II, Clarence experienced a great period of growth. The population rose from 2,948 residents in 1920 to about 13,267 by 1960. The population was not the only thing growing in Clarence in the first half of the twentieth century; the discovery of natural resources opened the doors for many businesses and industries. After gypsum was detected in 1925, the National Gypsum Company was formed and mined for gypsum until 1982. Other resources that were discovered in Clarence during this period were sand and gravel, which provided supplies for many important industries in western New York.

The expansion of industry and culture was also fueled by the implantable pacemaker, patented by Wilson Greatbatch in 1962. Following the invention of this lifesaving device, Greatbatch founded the Wilson Greatbatch LTD. in 1970. The location of this research facility in Clarence opened the doors for a number of employment opportunities and technological advances.

Finally, the history of Clarence can not be discussed without noting that the town’s greatest resource is the hard-working members of the community. In Clarence, you find generous down-to-earth friendly people who are willing to help their neighbors. More than anything else to celebrate on this 200th anniversary is the good-hearted and gracious people of Clarence.

Thus, Madam Speaker, in recognition of its rich history, agricultural tradition, innovation, and its wonderful residents, I ask that this Honorable Body join me in celebrating the 200th anniversary of the Town of Clarence.

HONORING STATION POINT ALLERTON AS THE RECIPIENT OF THE SUMNER I. KIMBALL AWARD

HON. WILLIAM D. DELAHUNT
OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2008

Mr. DELAHUNT. Madam Speaker, I rise today to honor those serving in the United States Coast Guard at Station Point Allerton of Hull, Massachusetts. They are the proud recipient of the prestigious Sumner I. Kimball Readiness Award.

The crew at Station Point Allerton has upheld the long tradition of life saving and mission excellence that was started by Joshua James and Sumner Kimball, the General Superintendent of the Life-Saving Service from 1878–1916. James and Kimball were among the most celebrated life savers in the world and they both served just a short distance from their current Coast Guard station.

The Sumner I. Kimball Readiness Award was established in April of 2001 to recognize United States Coast Guard Boat Force units...
that are truly the best of the best. It is a rarity in the Coast Guard, as very few units attain this level of outstanding performance. It demands a grade of 90 percent or higher during a rigorous week-long inspection, requiring a combination of exemplary test scores, crew proficiency, superb vessel condition, excellent performance in drills, a successful and progressive unit training program, survival systems readiness and good administrative work by all members. In their line of work, readiness and competence is the difference between life and death.

What makes this feat more impressive is that all 6 boats and their substation, Station (small) Scituate, had to perform at this remarkably high level. I would like to congratulate Commanding Officer Thomas J. Guthlein and the men and women stationed at Point Allerton for their exemplary service:

BMC Michael Dibartolomeo, MKC Kevin Nuzzollili, BM1 Luis Catala, BM1 Sean Goodwin, BM1 Wayne Lougee, BM1 Christopher Carson, MK1 Robert Chofay, SK1 Michael Murphy, BM2 Phillip Garrett, BM2 James Mankowski, BM2 Nicholas Linstrom, BM2 Kleveron Lemos, BM2 Logan Adkisson, MK2 Dominic Michael, MK2 Michael Cella, MK3 Ryan Fahey, FS2 Patrick Kelly, FS2 John Robbins, BM3 Noah Rowland, BM3 Adam Griffin, BM3 Christopher Dangelo, BM3 Matthew Renner, BM3 Jonathan Cunningham, BM3 Jessica Adams, BM3 Glenn Fenstra, MK3 David Northrop, MK3 Manish Moideen, SN Brittany Coyne, SN Daniel Williams, SN Adam Ruffner, SN Roger Souliere, FN Angela Klingler, SN Tony Layne.

It is very fitting that such this particular Coast Guard unit receive this very prestigious award. It is given in honor of Sumner Kimball who established the tradition of training and preparedness years ago off the waters of Hull. Even more remarkable, is the fact that this is the second time that Station Point Allerton has received this award, with the first being in 2002. This award is not just a testament to the station, but it is a tribute to the hard working men and women who serve our Coast Guard and who are willing to put their lives on the line to protect the safety of mariners and the integrity of our coast.

COMMENDING THE PEOPLE OF WASHINGTON FOR SHOWING THEIR SUPPORT FOR VETERANS

SPEECH OF
HON. DAVID G. REICHERT
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. REICHERT. Mr. Speaker, it is a privilege to stand with our State delegation to recognize an important new program begun in Washington to support our soldiers and veterans.

We must never forget that we enjoy our freedom today because of the courage, commitment, and sacrifice of generations of men and women in uniform. From the beaches of Normandy to the jungles of Vietnam, our troops have willingly and repeatedly stood in harm’s way to preserve the values and liberties we cherish.

I know my colleagues who stand here with me today share my commitment to keeping our promises to America’s veterans. But we must also keep our promise to veterans in our communities, and the Veterans Family Fund Certificate of Deposit is a perfect example of just such an effort. It is a straightforward way of raising additional funds to meet the needs of Washington veterans and their families, and to assist our combat troops in making a seamless transition home.

This program represents some of the very best that can come from public-private partnerships. I commend the many participating banks and credit unions for joining with the State Veterans Office to make this effort possible, and I hope that other States will soon follow Washington’s lead.

No matter how big or small the effort, we must continue to pursue every available means of supporting our troops. We are the United States of America today, and we are free, because of the sacrifices of these men and women in uniform who put their lives on the line—for us, for their country.

HONORING Sir FRANKLIN MILLER

HON. MARK UDALL
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2008

Mr. UDALL of Colorado. Madam Speaker, I rise today to congratulate one of my esteemed colleagues and former classmates, Sir Franklin Miller, for receiving honorary knighthood by the British Government. Queen Elizabeth II, during her fall 2007 visit to Washington, DC, awarded Mr. Miller with honorary knighthood—a Knight Commander of the Order of the British Empire—in gratitude for his work to strengthen U.S.-UK defense collaboration during his career with the Department of Defense and as Special Assistant to President George W. Bush. I am pleased to recognize his commitment to America’s security.

Frank and I were both members of the Williams College Class of 1972. After graduating, he served as Communications Officer and Anti-Submarine Warfare Officer aboard the USS Joseph Hewes, a Knox-class frigate, with deployments in the Mediterranean Sea, Indian and Atlantic Oceans. In 1977, he returned to school and received his MPA from Princeton University’s Woodrow Wilson School of Public and International Affairs.

His talents at defense studies brought him to the State Department’s Bureau of Political-Military Affairs from 1977 to 1979. For 22 years, he served under seven Secretaries in a series of progressively senior positions. His final assignments were twice as Acting Assistant Secretary for International Security Policy and once as Principal Deputy Assistant Secretary for Strategy and Threat Reduction.

Frank Miller served as Special Assistant to President George W. Bush and as Senior Director for Defense Policy and Arms Control on the National Security Council staff between 2001 and 2005. This made him responsible for Presidential policy initiatives in the fields of nuclear deterrence policy, strategic arms reduction, national space policy, defense trade reform, land-mines, and transforming the American and NATO militaries.

He heroically assumed responsibility for the operation and management of the White House Situation Room immediately following the attacks on the World Trade Center Towers on September 11, 2001. This led him to direct interagency support of both Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom.

For his distinguished service, he was honored five times with the Defense Department’s highest civilian award, the Defense Distinguished Civilian Service Medal. In addition, he has been awarded the Norwegian Royal Order of Merit, Grand Officer, and the French Legion of Honor, Officer. Knighthood is another fitting tribute to Sir Miller’s distinguished 31-year career.

Mr. Speaker, I ask my colleagues to join with me to congratulate Sir Miller for his recent knighthood. We are grateful to Sir Miller for his outstanding commitment and service to improving the security of this country. I wish him...
As communities are working hard to recover from the damage caused by the tornados, the committee will closely monitor the responsiveness of FEMA and ensure that the communities affected will receive the assistance that they need to rebuild housing, public facilities and critical infrastructure.

In closing, let me thank my colleague Representative BART GORDON along with my colleagues on the Transportation and Infrastructure Committee for their leadership on this resolution. It is our hope that the rebuilding effort will soon begin, communities will be repaired and that families will begin to heal and return to normalcy.

I encourage my colleagues to support this resolution.

HONORING THE LOUISIANA SBDC 25TH ANNIVERSARY

HON. RODNEY ALEXANDER
OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2008

Mr. ALEXANDER. Madam Speaker, I rise today to commemorate the 25th Anniversary of the Louisiana Small Business Development Center (Louisiana SBDC).

For over a quarter century, the Louisiana SBDC, a network of nine service centers operating in Louisiana, has provided communities throughout the state with the means to launch new businesses and maintain successful existing businesses through offering consulting, business education classes, informational resources and other specialized services.

Just in the last six years, the Louisiana SBDC has counseled over 25,000 entrepreneurs, created nearly 7,000 new jobs, and has assisted small businesses in securing nearly $359 million dollars in financing. Initiatives such as the Louisiana SBDC with its track record of success is just what our nation needs during this time of decline in our economy. This work is made possible through the Louisiana SBDC’s partnership with the U.S. Small Business Administration, Louisiana Economic Development, participating universities and economic development agencies.

With the help of federal funding, The University of Louisiana at Monroe’s College of Business in partnership with the Louisiana SBDC, is poised to develop the Northeast Louisiana Business and Community Development Center. This allows the Louisiana SBDC to continue its mission in Northeast Louisiana and provide for greater opportunity for rural businesses. This center will be a source of entrepreneurship expertise for rural communities in this area, and I expect great things for Louisiana’s 5th Congressional District’s economy to emerge from the efforts of this center.

Madam Speaker, I ask my colleagues to join me in honoring the 25th Anniversary of the LSBDC as it continues its commitment to empowering local citizens to reach their goals of establishing successful new businesses, which create not only a stronger Louisiana but a stronger national economy.

HONORING H.O. TANNER TEACHERS

HON. RON PAUL
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2008

Mr. PAUL. Madam Speaker, on February 21 the Texas Delta Xi Chapter of the Honorary Educators Organization Alpha Delta Kappa will honor those Texas Delta Xi teachers who attended the H.O. Tanner School in Texas, and then returned to teach at H.O. Tanner after completing their education. H.O. Tanner was constructed in 1900 in order to ensure that Texas’ segregation laws did not prevent African-American children from obtaining a quality education.

Laws dictating what schools a child can and cannot attend, based solely on that child’s race, are a shameful aspect of America’s history. It is hard to think of a better way to celebrate Black History Month than by honoring those who did not allow the burden of the “Jim Crow” laws stop them from obtaining an education, and then used their education to serve the children of their community by devoting their lives to teaching.

It is therefore with the greatest pleasure that I join Texas Delta Chapter of Alpha Delta Kappa in honoring Geneva Barrett, Cora Mack, Berniece Smith, and Sister Julia Mack, who taught kindergarten at the “new” Henry O. Tanner; Sister Mary Crecy, Geneva Barrett (both of whom will be honored posthumously), and Mary Dixon who taught at the original Henry O. Tanner School; and Sisters Julia and Cora Mack who attended classes on the “new” H.O. Tanner campus.

HONORING AND PRAISING THE NAACP ON ITS 99TH ANNIVERSARY

HON. TREN'T FRANKS
OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2008

Mr. FRANKS of Arizona. Madam Speaker, on rollcall No. 44 I was unavoidably detained. Had I been present, I would have voted “yes.”

HONORING H.O. TANNER TEACHERS

HON. STENY H. HOYER
OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Mr. HOYER. Mr. Speaker, I am proud to support H. Con. Res. 289, the resolution introduced by Congressman AL GREEN to commend the National Association for the Advancement of Colored People, NAACP, on their 99th anniversary.

Few organizations have had such a wide-ranging and long-lasting impact on the United States as the NAACP. Since their founding on February 12, 1909, the NAACP has been a strong, consistent voice for minority Americans. In the face of hatred and opposition, the members of the NAACP have consistently stood up to their guiding principle of nonviolence, and worked instead through elections, the
press, and the legal system. As a result of their leadership and tireless efforts, we are significantly closer to achieving political, educational, social, and economic equality for all.

As the oldest and largest civil rights organization in the United States, I congratulate the NAACP on their 99th anniversary. Their work over the past 99 years has made us a better and more tolerant Nation. I wish them the best as they continue their efforts to eliminate discrimination from all corners of our society.

A TRIBUTE TO JILL THOMPSON
HON. IKE SKELTON
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2008

Mr. SKELTON. Madam Speaker, I rise today to honor the life of Jill Thompson. Mrs. Thompson, a registered nurse, was administrator of the Lafayette County, Missouri, Health Department. Sadly, Mrs. Thompson lost her fight with cancer on January 26, 2008.

Mrs. Thompson was an employee at the Lafayette County Health Department for 29 years. She also served two terms as the rural health department representative from the Northwest District on the Partnership Council, was president of the Missouri Association of Public Health Agencies, and served on the board of the West Central Missouri Area Health Education Center. She is fondly remembered by her colleagues as someone who was incredibly dedicated to public health and passionate about serving her community.

Further recognizing her commitment to public health, Mrs. Thompson was a founding member of the Sounds of the Heart organization, which raised money to place automated external defibrillators in locations throughout the community. She was also a member of the Cancer Assistance Relief Organization. This organization provides cancer patients with rides to doctors’ appointments and hospitals.

Friends and family will never forget her warm personality, dedication, and intelligence. Mrs. Thompson is survived by her husband, Larry, three children, and two grandchildren. I’m sure Members of the House will join me in paying tribute to the life of Jill Thompson for her vision and leadership in the field of public health in the State of Missouri.

HONORING THE DEDICATION OF THE MARY E. SMITHEY PACE LEARNING CENTER
HON. KENNY MARCHANT
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2008

Mr. MARCHANT. Madam Speaker, I wish to honor the dedication and renaming of the PACE School to the Mary E. Smithy PACE Learning Center in Duncanville, Texas.

On Sunday, February 17, 2008, a ceremony will be held honoring Mary E. Smithy for her many years as a teacher in the Duncanville school system. When Mrs. Smithy began teaching in Duncanville in 1946, she was one of eight teachers who served 287 students in grades one through twelve in one school building, now known as Central Elementary.

Mrs. Smithy was the first retiree of the Duncanville Teachers Association and spoke highly of her career, particularly of her students. Mary E. Smithy was an exemplary teacher who was loved and respected by her students, their families, and her peers. Mrs. Smithy, along with her husband, Grady Sr., has held long careers in public service in their community and the tradition continues as three of their grandchildren are teachers. The Smithy’s two sons, Grady Jr. and Gary Ervin, are Duncanville school graduates.

The Mary E. Smithy PACE Learning Center is an alternative school for students, grades 9 to 12, who need additional assistance in their education. The smaller class sizes and individual learning available at this campus help young people gain confidence and success. Students study a core curriculum, along with electives, on a flexible schedule allowing them the opportunity to achieve a high school diploma.

I am honored to pay tribute to Mary E. Smithy and the Duncanville Independent School District in the dedication and renaming of the PACE School in her memory. The objectives of the PACE Learning Center will perpetuate Mrs. Smithy’s legacy in education for many years to come. I am privileged to represent the Duncanville ISD in the 24th District of Texas.

DEATH OF ARCHBISHOP CHRISTODOULOS
HON. EDWARD R. ROYCE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2008

Mr. ROYCE. Madam Speaker, I rise in recognition of the life of the Archbishop of Athens and all Greece, Mr. Christodoulos, who passed away late last month.

Since becoming ordained as a deacon in 1961 and a priest in 1965, Archbishop Christodoulos showed a dedication to his faith and people that earned great admiration and respect among his followers. He was a leading voice on the origins of Christianity, and on the role Christianity had in the creation of the European world and the identity of its citizens.

It was obvious to many that Archbishop Christodoulos cared greatly for his people and worked tirelessly to represent his faithful followers. He also actively sought to bring faith to younger generations, joyfully inviting them back to the church as they were “earrings and all.”

Madam Speaker, Archbishop Christodoulos was a remarkable man whose death will be mourned by many. His legacy, however, will impact generations of loyal Greek Orthodox and other members of the Dyophysite faith.

DAY OF REMEMBRANCE
HON. DORIS O. MATSUI
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2008

Ms. MATSUI. Madam Speaker, on February 19, 2008, this Nation will recognize the 66th anniversary of the “Day of Remembrance.” This was the day in 1942 that President Roosevelt signed Executive Order 9066, which led to the internment of over 120,000 Americans of Japanese ancestry.

The President’s decision to intern Americans was an avoidable consequence of racial prejudice and wartime hysteria. The government’s actions were based on false assumptions, and made decisions that were contrary to our Constitution. The failure of each branch of government to uphold the rights of individuals must be taught so that future generations resist succumbing to the politics of fear.

Because of one of the darkest periods of our Nation’s history, we learned of the damage that could be done when we let the politics of fear cloud our judgment. I hope every American will take this day to reaffirm their commitment to our Constitution and the rights and protections it guarantees for all of us. This commitment is a way to prevent such injustice from ever becoming a reality again.

Congress has not only recognized a Day of Remembrance, but it also supports and funds internment site preservation as the physical reminder of past inequality. I look forward to working with my colleagues to ensure that future generations will be able to visit the internment camps to gain a better understanding of the previous generation’s experience.

This year also marks the 20th anniversary of the enactment of the Civil Liberties Act of 1988. This act proves what is great about our country. When this act passed, our Nation formally acknowledged and apologized for violations of civil liberties and constitutional rights of over 100,000 interned Americans.

As we look back on a time in our Nation’s history, and how our country has responded since, we should have hope for the future. Around the world, human rights violations continue unabated. Yet, we can combat this by working with a single purpose towards a future wherein every person, regardless of race, gender, nationality or creed enjoys equal treatment in this world.

And today, 66 years after the signing of Executive Order 9066, we must renew our commitment to bringing these rights to all people.

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. ANNA G. ESHOO
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 12, 2008

Ms. ESHOO. Madam Speaker, I rise today with great sadness to pay tribute to my colleague, my neighbor, and my friend, Congressman Tom Lantos.

For three decades, Tom Lantos has been an eloquent voice for the voiceless here and abroad. His story has lost a great champion for human rights. His dedication to his fellow human beings was rooted in having survived the Holocaust and his story of survival and escape from Nazi forced labor camps in Hungary during the Second World War is inspirational, but it was the memory of those, including his mother,
whom he lost, that motivated him in his extra-ordinary career of public service.

Tom Lantos’ story was also the story of an immigrant. He said he was an American by choice. Coming to the United States through an academic scholarship, he worked hard and made the most of the opportunities that only America can offer. He earned degrees from the University of Washington and the University of California, Berkeley, and taught economics for 30 years before running for Congress in 1980, winning against a Republican incumbent in a Republican year.

As a Member of Congress, Tom Lantos raised the profile of human rights in every corner of the world from China to Tibet and from Sudan to Burma. One of the first things he did when he came to Congress was to found the Congressional Human Rights Caucus in 1983. As the only Armenian-American serving in the House, I’m especially grateful for Tom’s leadership as chairman of the House Foreign Affairs Committee last year when he worked to secure the passage of legislation recognizing, at long last, the Armenian Genocide of 1915. His voice in the face of strong opposition from many fronts helped secure the passage of this resolution through the committee.

Although Congressman Lantos’ expertise was in world affairs, he took care of his constituents in the 12th Congressional District. For 15 years I’ve had the privilege to serve with him, representing one of the most remarkable areas of our country. We worked together on efforts to preserve our local environment and improve transportation. Congressman Lantos’ efforts are clearly visible throughout his congressional district. He worked to expand BART service at San Francisco International Airport and to create a water ferry service from San Mateo County to San Francisco. He led the effort to acquire Rancho Corral de Tierra for the Golden Gate National Recreation Area, and we worked together to fund a visitor’s center for the Gulf of the Farallones National Marine Sanctuary at the Fitzgerald Marine Center.

More important than the legacy of his work is the legacy of his family, especially the love of his life, his wife Annette; his daughters Annette and Katrina; and his 18 grandchildren and 2 great-grandchildren. They always represented the greatest achievements of his great life.

America was blessed by the life of Congressman Tom Lantos. May he rest in the peace that he worked so hard to bring to others during his entire life.

IN HONOR OF MR. JOHN R. COCHRAN
HON. MICHAEL N. CASTLE
OF DELAWARE
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2008

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Mr. John Cochran, Business Development Executive of Bank of America Card Services. John will retire this year from his position as a leader in a company with the largest credit card portfolio in North America, having over 40 million customers, accounting to $190 billion in high-interest loans.

During his time at Bank of America, John was responsible for all business development endeavors for Bank of America Card Services. Prior to the January 2006 merger with Bank of America, John was the chief operating officer of MBNA Corporation, which he also helped to found in 1982. Under John’s direction as head of Business Development, MBNA became a pioneer in issuing so-called “affinity” credit cards—an endeavor supported by alumni associations, interest groups, professional organizations, clothing manufacturers, sports teams, and others. Cards emblazoned with the logo of a much-loved alma mater or team proved to be appealing to many consumers and, as a result of John’s ingenuity, MBNA enjoyed runaway growth. Within 10 years, MBNA had become one of Delaware’s largest employers, and remains so today under the Bank of America name. John is also the person behind Bank of America’s 3 major affinity relationships: the National Education Association, Ducks Unlimited, and the American Automobile Association, all 3 of which will celebrate 27 years of successful marketing agreements with Bank of America this year.

John was born and raised in Baltimore, Maryland. He attended Northeast High School, where he currently sits on the board and has served as its chairman. Though not a Delaware native, John contributes to the State of Delaware in more ways than just furthering private sector development. John is a member of the board of directors of the Delaware Council for Economic Education. He is also a member of the board of trustees of the Delaware Public Policy Institute.

I acknowledge Mr. John Cochran for his many years of service and numerous contributions to Bank of America, the credit card industry, and the industry as a whole. I am confident that as he enjoys his retirement with his wife and children, and cheers for his beloved Baltimore Orioles, he will remain an active and influential member of our community.

PERSONAL EXPLANATION
HON. GWEN MOORE
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2008

Ms. MOORE of Wisconsin. Madam Speaker, on Wednesday, February 13, I was detained and unable to vote on rollcall 46. Had I been present I would have voted “no.”

IN MEMORY OF GLADYS JOY KENNEDY
HON. ADAM B. SCHIFF
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2008

Mr. SCHIFF. Madam Speaker, I rise today to honor the late Gladys Joy Kennedy. A legendary community activist, Gladys Joy Kennedy was a devoted and active member of the Pasadena community.

Gladys Joy Kennedy was born on June 1, 1965, the beloved child of Thomas Foster Kennedy, now deceased, and Leola Sudduth Kennedy of Pasadena, California. Gladys, a graduate of John’s ingenuity, MBNA, is a Pasadena area resident all of her life, she attended Cleveland Elementary School, McKinley Junior High School, and Blair High School.

Gladys was active in many churches in the Pasadena area, including Holy Deliverance Church and Lincoln Avenue Baptist Church. She was a proud and devout member of the Metropolitan Baptist Church in Altadena, where she was an enthusiastic and devoted volunteer. Gladys had long advocated extensively for the National Association for the Advancement of Colored People, Pasadena Branch, and assisted with numerous local political campaigns.

Gladys Joy will be greatly missed, and I extend my sincere condolences upon the untimely passing of a true friend of the extended Kennedy family.

PAYING TRIBUTE TO GARY DOUGLAS MEADE
HON. RICK BOUCHER
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2008

Mr. BOUCHER. Madam Speaker, I rise today to honor Gary Douglas Meade and pay tribute to his 43-year public service career to the Commonwealth of Virginia.

Douglas Meade, the son of a coal miner, grew up on a farm in southwestern Virginia. He started his public service career in 1964 as a social worker in Wise County. In 1970 after receiving a master’s degree in social work from Virginia Commonwealth University, Douglas worked briefly for the Virginia Department of Social Services in Richmond, Virginia, before returning back to his native roots in southwest Virginia.

For the past 36 years, Douglas has been the director of the Washington County, Virginia, Department of Social Services. His office administers and provides annually over $40 million in services to citizens of Washington County. In fiscal year 2007–2008, the Washington County Department of Social Services will touch the life in some way of over 16,000 county citizens. Over the years, Douglas has served on numerous State and local task forces and commissions that focused on improving the quality of life and opportunities for rural Virginians. Currently he is involved in several southwest Virginia regional initiatives that are focused on improving the job skills, employment opportunity, health care access, and educational attainment of area citizens.

Through his advocacy and public policy development work, Douglas has worked extensively with the Virginia General Assembly and has done some work at the Federal level. He has been recognized as a leader in his field and has received numerous awards. In 1994, Douglas received the President’s Award, the Distinguished Service Award, and a Certificate of Appreciation from the Virginia League of Social Service Executives for his work.

Douglas’ social upbringing has helped form his strong work ethic, values and community spirit. His warmth and eternal optimism brighten the lives of his family and friends.

In 2005, Douglas graduated from the nationally renowned University of Virginia’s Sorenson Political Leadership Institute. After retiring from a 43-year career in social services, Douglas has not ruled out running for a political office or continuing, in some way, his commitment to public service.
Madam Speaker, I am proud to honor the distinguished career of Douglas Meade and the outstanding public service he has given to the Commonwealth of Virginia.

PERSONAL EXPLANATION

HON. TRENTE FRANKS OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2008

Mr. FRANKS of Arizona. Madam Speaker, on rollcall No. 45 I was unavoidably detained. Had I been present, I would have voted “yes.”

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2008

Ms. SANCHEZ of California. Madam Speaker, on Thursday, February 7, 2008, I was unavoidably detained in my Congressional district. I would have voted as follows:


INTRODUCTION OF THE WATERFRONT BROWNFIELDS REVITALIZATION ACT

HON. LOUISE MCDONALD SLAUGHTER OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2008

Ms. SLAUGHTER. Madam Speaker, today I am proud to introduce the Waterfront Brownfields Revitalization Act. This bill will authorize a much-needed grant program to assist communities that are overcoming the unique challenges of waterfront brownfields and foster innovative approaches to remediation.

America’s industrial heritage was established along the banks of its rivers, lakes, and coasts. Our Nation’s vast and interconnected natural water system helped provide the power that fueled our rise to international prominence, and allowed us to move our manufactured goods efficiently to all corners of the country. However, that legacy also includes many decades of environmental contamination on the waterfronts. Industrial sites, contaminated landfills and underutilized ports can be found along the shores of many metropolitan areas. As localities seek to reconnect with their waterfronts and revitalize their downtowns, brownfield barriers threaten to derail community efforts to create jobs, promote recreational opportunities, restore the ecology, increase tourism, and grow their tax base.

Waterfront brownfields present challenges beyond typical environmental contamination and cleanup projects. Hydrology, water quality, wetlands, endangered species, habitat, dredged materials, flooding, environmental infrastructure, navigation, and other considerations must be carefully addressed so as not to exacerbate site contamination.

Typically, waterfront brownfields require the involvement of multiple governmental agencies. As such, waterfront brownfields require special attention and resources to overcome their larger hurdles.

In my own district, the city of Rochester, NY, is currently working to revitalize its beautiful waterfront, while attempting to cope with the unique challenges that waterfront brownfields present. The city is undertaking a major community revitalization strategy to redevelop its port and waterfront area into a mixed use development with housing, commercial, retail, and educational uses, enhanced recreation, new parks and open space, and improved public access to Lake Ontario, the Genesee River and the surrounding ecosystem. However, because the Port of Rochester was used extensively for industrial purposes from the late 1800s into the first half of the 20th century, significant environmental remediation will be required prior to redevelopment.

Initial investigations have found that more than 10 acres of the site contain up to several feet of slag from a former iron works. Portions of the site are impacted from petroleum releases and unsuitable fill materials. Old Genesee River deposits on the site and bank sediments have been shown to contain high levels of heavy metals cadmium and silver as well as pesticides and furans. The marina must also be dredged. Before the waterfront reuse can proceed, the Port of Rochester must first address an estimated $500,000 in environmental assessment issues related to contaminated sediments, beneficial reuse of sediments, groundwater contamination, and waste characterization related to the construction of the marina—and an unknown level of remediation.

The Federal Government can be an effective partner to communities interested in reconnecting with their waterfronts. Specifically, this legislation would authorize the U.S. Environmental Protection Agency to establish a waterfront brownfields pilot demonstration program to provide localities and other eligible entities with up to $500,000 to assess and clean up waterfront brownfields.

Their bill would also establish an interagency task force to address waterfront brownfields, to identify barriers and potential solutions to waterfront brownfields revitalization, and seek methods for Federal interagency collaboration on such projects.

As cities across the country struggle to thrive in a changing global economy, and as our domestic manufacturing continues to diminish, it is imperative that Congress do all that it can to help these cities redevelop and succeed. Industrialization and manufacturing have helped make this country the power that it is today, but as manufacturing has moved overseas it has not only taken jobs and changed the economic base of many industrial cities, it has also left behind decades of contamination.

This legislation will give these cities the support they need to redevelop in an environmentally safe way, and to their waterfront as an incredible economic asset.

EXPRESSION OF 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. BRIAN BAIRD OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mr. BAIRD. Madam Speaker, I wish to share the perspectives of former Congressman Don Bonker on his distinguished colleague during his service in the House, the Honorable Tom Lantos.

Tom Lantos was an extraordinary person in so many respects. The only member of Congress to survive the Holocaust, his passionate commitment to human rights, a widely respected authority on foreign policy, and one who worked closely with every administration, regardless of party, and world leaders to insure that democracy, not tyranny, reign in our lifetime.

There was also the extraordinary personal side of Tom Lantos. His confinement and courageous escape from a Nazi-operated forced labor camp in Szob, Hungary, led to his befriending the Swedish diplomat Raoul Wallenberg, who gave his Budapest apartment and eventual freedom and relocation to the United States, Mysteriously, Raoul Wallenberg disappeared behind the Soviet Union, never to be heard from again. But Tom and his wife, Annette, never forgot the man who saved their lives, and the 40,000 others whose lives were spared because Raoul Wallenberg, at high personal risk, issued fake passports that enabled them to leave the country.

I first met Tom Lantos before he came to Congress in 1976. As chairman of the subcommittee on human rights, it was suggested I talk to Annette Lantos about the fate of Raoul Wallenberg. Both Annette and Tom gave eloquent testimony before my subcommittee. Later, Tom Lantos wrote and passed resolutions and had a statue placed in the U.S. Capitol honoring Raoul Wallenberg. The teenagers from Budapest have spent a lifetime honoring the man who saved their lives.

For many years, I traveled with the Lantos’ all over Europe, including, to Russia, Romania and Hungary. They were committed first and foremost to the cause of human rights and strengthening democracies, especially in the countries of the former Soviet Union. There was no more eloquent voice or effective champion on these issues than Tom and Annette Lantos, a true legacy that will endure for generations to come.
There is another Lantos legacy. As a parent of 2 daughters, he took great pride in their 17 incredible grandchildren, all of whom are fulfilling the highest expectations of their education. Every year the Lantos Christmas card displayed a growing family of beautiful and gifted children who obviously gave them considerable pride and joy.

In Congress, Tom Lantos had no peers. He was respected by leaders of both political parties and the undoubted authority on foreign policy. Property newly elected Congressmen avoid the Foreign Affairs Committee because there is little that can help in their constituencies, but for Tom Lantos it was always about foreign relations. Indeed he ranks, alongside Lee Hamilton, as one of the two finest chairmen who ever presided over the House Foreign Affairs Committee.

For those who had the privilege of knowing Tom Lantos, there is even more legacy. His eloquence and charm, personal loyalty to family and friends, his diplomatic grace in meeting world leaders, left one with the impression of being near a truly great leader and genuine statesman of the world. It was a privilege to have known Tom Lantos.

INTRODUCING TECHNOLOGIES FOR RESTORING USERS’ SECURITY AND TRUST (TRUST) IN HEALTH INFORMATION ACT

HON. EDWARD J. MARKEY
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2008

Mr. MARKEY. Madam Speaker, the development of a nationwide interoperable health information infrastructure holds tremendous promise for improving patient care, reducing medical errors and lowering costs. Today’s health care system needs to be transformed to improve health care quality, safety and affordability, and interoperable health information networks can play an important role in this transformation.

At the same time, without sufficient privacy and security safeguards, such electronic systems could turn the dream of integrated, seamless health IT networks into a nightmare for consumers, reducing the likelihood that patients and providers will embrace and utilize such systems. If we fail to require strong privacy and security standards now, during the early stages of development of nationwide interoperable health IT systems, we run the risk that Americans’ medical secrets will be extremely vulnerable to being lost or stolen from these systems, whose weak privacy and security safeguards will be an open invitation to identity thieves, fraudsters and others seeking unauthorized access.

The great Irish poet William Butler Yeats famously wrote that “in dreams begins responsibility.” The dream of a nationwide, seamless, effective health IT infrastructure certainly is enticing. Let us hope that we can realize this dream within the limits of access. But Congress has a responsibility to ensure that patients’ personal medical secrets are not put at risk in the process.

According to a report released last year by the Government Accountability Office, GAO, the Department of Health and Human Services, and some of the nation’s largest health care companies, health IT systems do not yet have robust privacy and security controls. A recent GAO report found 290 breaches in 2005 alone, exposing the personal information of more than 15 million people. It is critical that Congress take steps to protect the privacy and security of health IT systems.

As the House of Representatives’ panel on health care reform, we have been concerned with the need for strong data safeguards for Americans’ medical records. According to Privacy Rights Clearinghouse, a non-profit consumer organization, more than 218 million data records of U.S. residents have been exposed due to security breaches since January 2005.

I am pleased that Representative Rahm Emanuel is joining me in introducing the Technologies for Restoring Users’ Security and Trust, TRUST, in Health Information Act. The TRUST Health Information Act promotes development of a nationwide interoperable health IT infrastructure that improves patient care, reduces costs and protects the privacy and security of Americans’ personal medical information. The TRUST Act contains provisions to encourage the development of health IT networks through grants and standard-setting processes while also ensuring that patients’ medical records will be protected by strong privacy and security safeguards.

For example, the TRUST Act:

- Requires patients to be notified if the systems that contain their health information is breached and their information is exposed;
- Mandates the use of data security safeguards such as encryption and other technologies that render the information unreadable to individuals who are not authorized to access it;
- Authorizes granting funding to enable the purchase and enhancement of the use of qualified health IT systems; and
- Establishes a public-private partnership to make recommendations concerning health IT standards, criteria for the electronic exchange of personal health information and related purposes to encourage the creation of a nationwide interoperable health information technology infrastructure.

Patient privacy and security protections are enablers of, not impediments to, successful health IT systems; and

- Recognizes that systems for health care providers, including those that implement national standards, require patient consent.
- Requires patients to be notified if the systems that contain their health information are breached and their information is exposed;
- Mandates the use of data security safeguards such as encryption and other technologies that render the information unreadable to individuals who are not authorized to access it;
- Authorizes granting funding to enable the purchase and enhancement of the use of qualified health IT systems; and
- Establishes a public-private partnership to make recommendations concerning health IT standards, criteria for the electronic exchange of personal health information and related purposes to encourage the creation of a nationwide interoperable health information technology infrastructure.

Patient privacy and security protections are enablers of, not impediments to, successful nationwide interoperable health IT systems. Only after patients have confidence in these protections will they trust their sensitive medical information to such systems.

The TRUST Act is supported by Patient Privacy Rights, Microsoft Corporation, the American Psychiatric Association, American Association of Retired Persons and the National Association of Social Workers.

RECOGNIZING JAMES BENJAMIN FARMER
HON. WALTER B. JONES
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2008

Mr. JONES of North Carolina. Madam Speaker, I proudly announce to the House the achievements of a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 6, and in earning the most prestigious award of Eagle Scout.

Benjamin has been active with his troop, participating in many scout activities. Over the years Benjamin has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. For his Eagle Scout Project, Benjamin renovated a room that now serves as a Sunday School Classroom at First Baptist Church in Kinston, NC.

Madam Speaker, I proudly ask you to join me in commending James Benjamin Farmer for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

SUNSET MEMORIAL
HON. TREVOR FRANKS
OF ARIZONA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2008

Mr. FRANKS. Madam Speaker, I stand once again before this body with another Sunset Memorial.

It is February 14, 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 from September 11th, only it happens every day.

It has now been exactly 12,806 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 alone and without defense—deprived of life at the hands of their mothers, who, whether she realizes it 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 inexcusable 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 very 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 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 12,806 days spent killing nearly 50 million unborn children in America is enough; and that this Nation 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 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 14, 2008—12,806 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.

ARMS SALES TO SAUDI ARABIA

HON. HOWARD L. BERMAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2008

Mr. BERMAN. Madam Speaker, as part of the Gulf Security Dialogue between the Gulf States and the United States, the President has proposed the commercial sale of a number of significant U.S.-produced weapon systems that the President believes will contribute to U.S. national security in the Gulf Region.

There has been a good deal of controversy surrounding these proposed arms sales included in the Gulf Security Dialogue, and, in particular, the sale of Joint Direct Attack Munitions (JDAMs) to Saudi Arabia.

The Foreign Affairs Committee has taken the reported concerns seriously. The Committee has held four highly classified briefings on the Gulf Security Dialogue. As part of this ongoing dialogue, Chairman Lantos asked the Secretary of State to provide to the Committee, in writing, additional assurances that can be released publicly that this sale will not threaten our interests or those of our friends in the region. Chairman Lantos received a letter with these assurances from the Secretary of State.

Madam Speaker, as the Acting Chairman of the Foreign Affairs Committee, I ask that this letter be printed in full in the RECORD so that all of our colleagues in the Congress can be aware of the assurances which the Committee has received.

THE SECRETARY OF STATE,
Washington, DC, February 6, 2008.

Dear Mr. Chairman: I am writing to you regarding the sale of Joint Direct Attack Munitions (JDAMs) to Saudi Arabia under the rubric of the Gulf Security Dialogue. Over the last year, we have consulted closely with Congress and our partners in the region on the proposed sale. This sale is important to U.S. national interests in the Gulf region. It will strengthen our relationship with Saudi Arabia and will enhance regional security and stability.

The United States has offered for sale a number of military goods to friendly governments in the region to support U.S. interests. In preparing these sales, we have worked closely with our friends in the region to ensure the proposed transfers strengthen stability and security regarding potential challenges from Iran or other threats in the region. We have consulted closely about this sale with Israel and remain committed to the preservation of Israel's qualitative military edge. I can assure you that the sale of JDAMs to Saudi Arabia will not affect Israel's qualitative military edge. The Government of Israel understands the reasons for this sale and does not object to it.

We are mindful of the sensitivity of some of the technology being transferred, and will continue to monitor, and report on the details of this sale, particularly of any changes in the arrangements we have briefed the committee. We have had, and will continue to have, discussions with the Government of Saudi Arabia regarding its obligations resulting from this sale. As a result of these discussions, we are confident that the Government of Saudi Arabia will undertake all necessary measures to secure these weapons and to assure their use only in ways which we support. In particular, the Government of Saudi Arabia will provide adequate security for the JDAMs such that these weapons will not fall into the hands of other nations or groups. Moreover, the Government of Saudi Arabia will ensure that these weapons will not be used against U.S. forces or the forces of U.S. allies.

I hope this resolves any concerns that might exist about this sale. I would be happy to discuss further with you, if you desire. We look forward to working with you to secure the advancement of U.S. interests in the Gulf region.

Sincerely,
Condi R. Rice.

PERSONAL EXPLANATION

HON. RÚBEN HINOJOSA
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2008

Mr. HINOJOSA. Madam Speaker, I rise to inform you that I was unavoidably detained in my district over the past few days to come to the floor of the House of Representatives to cast my vote on certain rollcall votes.

Had I been present, I would have voted the following way:
I would have voted “aye” for rollcall Nos. 43 through 45, rollcall Nos. 48 through 51, and rollcall Nos. 53 through 57.
I would have voted “nay” for rollcall Nos. 46, 47, 52.
CONGRATULATING ROB COGORNO ON HIS SERVICE TO THE HOUSE OF REPRESENTATIVES

HON. JAMES P. McGOVERN
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2008

Mr. McGOVERN. Madam Speaker, I rise today to pay tribute to Rob Cogorno, who will soon be leaving his Congressional career here in the House of Representatives for new opportunities off of Capitol Hill.

Rob’s formal title is Floor Director for the Majority Leader, but he is truly a servant of this institution. Rob has worked for several Members of Congress over his 25-year Capitol Hill career, but the reality is that he has truly served both this institution and the ideals that make it what it is.

As a former Congressional staffer, I recognize the value of a leader who is not the one who makes the trains run on time or make sure that the procedural committee, will sincerely miss his passion and dedication, and his unrelenting commitment to fairness and respect for colleagues.

The House is losing one of its own—someone who loves and respects this institution; someone who not only believes in the ideals that make up the Democratic party but also believes in fairness for all who make up this body; and someone who has worked every single day to make our country and this world a better place.

Rob—you will be missed, but you won’t be forgotten. I appreciate what you’ve done for this institution and for the Nation, and I thank you for your hard work and dedication. Good luck in the next phase of your professional life.

HONORING THE HIROSHIMA-NAGASAKI A-BOMB EXHIBITION

HON. TAMMY BALDWIN
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2008

Ms. BALDWIN. Madam Speaker, I rise today to recognize the Hiroshima-Nagasaki A-bomb Exhibition at the Wisconsin Capitol rotunda. Because of the dedicated efforts of a coalition of Madison organizations, the Hiroshima-Nagasaki A-bomb Exhibition Committee, and the Hiroshima Peace Culture Foundation, this exhibition has made an incredibly important contribution toward educating Wisconsinites and our country about the devastation in Hiroshima and Nagasaki caused by nuclear weapons.

I am heartened by the mission of these organizations to spread peace and international understanding and grateful to the citizens of Madison who helped bring this vital message to our Capitol. I further commend the Exhibition’s goal to raise awareness about abolishing nuclear weapons. This is an issue that demands our close attention.

I want to take this opportunity to reaffirm my support for nonproliferation strategies designed to eliminate weapons of mass destruction from U.S. and worldwide arsenals. I strongly support the Treaty on the Nonproliferation of Nuclear Weapons (NPT), which sets forth objectives to prevent the spread of nuclear weapons and weapons technology and further the goal of achieving nuclear disarmament. I also believe we need to terminate the arms race and further the goal of achieving nuclear disarmament.

The House is losing one of its own—someone who loves and respects this institution; someone who not only believes in the ideals that make up the Democratic party but also believes in fairness for all who make up this body; and someone who has worked every single day to make our country and this world a better place.

Rob—you will be missed, but you won’t be forgotten. I appreciate what you’ve done for this institution and for the Nation, and I thank you for your hard work and dedication. Good luck in the next phase of your professional life.

HON. MIAZIE K. HIRONO
OF HAWAI\i
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2008

Ms. HIRONO. Mr. Speaker, I rise today in support of H. Res. 972, Supporting the Goals and Ideals of American Heart Month and National Wear Red Day. February is American Heart month, and today, I join women across the country by wearing red to increase the awareness of heart disease as the leading killer among women.

Minorities are disproportionately affected by cardiovascular disease. In a diverse State like Hawaii, this is an especially important issue. As a Congresswoman, I support funding for medical research and improved treatment. And I will continue to advocate for affordable, accessible health care for all.

However, fighting heart disease is not only a public policy issue. Americans can help prevent and reduce heart disease and decrease the deaths it causes through education and lifestyle changes. Adults should learn the signs of heart attack and stroke, because quick recognition will increase the chance of survival. And we should all make a point to live healthier. Eating better, exercising more, and refraining from smoking are commonplace lifestyle changes that can improve our lives. I know how hard it is to make time to eat right and get to the gym—but it is worth it. As we celebrate Valentine’s Day and affairs of the heart, let us commit ourselves to making that effort for improved heart health.

IMPROVING HEART ACTIVITY

HON. LYNN C. WOOLSEY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Ms. WOOLSEY. Madam Speaker, for almost three decades Tom Lantos was a passionate voice in the U.S. Congress, and a tireless advocate for human rights around the world. Chairman Lantos’ commitment to human rights was forged by his own life’s experience, by the violence and tragedy that he saw as a young man in Hungary. His commitment to issues such as ending the genocide in Darfur will be remembered by all those who have served with him throughout his long career in public service.

The Bay Area, and the Foreign Affairs Committee, will sincerely miss his passion and dedication, and his unrelenting commitment to not only helping those in need, but making sure that respect for human rights is at the forefront of our Nation’s foreign policy. My heart goes out to Annette, his partner for almost 60 years, as well as his two daughters, his grandchildren, and his great-grandchildren.

HONORING THE 25TH ANNIVERSARY OF THE NAGORNO KARABAKH FREEDOM MOVEMENT

HON. MICHAEL R. McNULTY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2008

Mr. McNULTY. Madam Speaker, I join today with many of my colleagues in extending my congratulations to the people of Nagorno Karabakh on the anniversary of the Nagorno Karabakh Freedom Movement.

On February 20, 1988, the people of Nagorno Karabakh officially petitioned the Soviet government to reunite with Armenia and to cease military aggression against Nagorno Karabakh.

The people of Nagorno Karabakh bravely defended their right to live in freedom on their ancestral land.
Today, Nagorno Karabakh continues to strengthen its statehood with a democratically elected government, a capable defense force, and an independent foreign policy.

I stand with the people of Nagorno Karabakh in celebrating their continuing freedom and democracy.

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. NICK J. RAHALL II
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 12, 2008

Mr. RAHALL. Madam Speaker, I rise today to offer my deepest condolences on the passing of Congressman Tom Lantos, Chairman of the House Foreign Affairs Committee and my respected colleague from California.

As news spread on Monday of Chairman Lantos’ passing at age 80 due to complications from cancer, a great sadness resonated throughout the House of Representatives and all of Washington. This House, the Nation, and especially the people of California have lost a great champion for human rights, a very personal cause of Representative Lantos. He was the only Holocaust survivor to ever be elected to Congress and his own experiences enlightened his service and enriched his service in this body.

Throughout his 14 terms in the House of Representatives, Representative Lantos conducted himself with dignity, grace, and a passion for human rights. As co-chairman and founder of the Congressional Human Rights Caucus, a group that highlights human rights violations worldwide, he was able to provide a platform and a voice for persecuted peoples around the globe.

My thoughts and prayers go out to Representative Lantos’ wife Annette, their two daughters, their 18 grandchildren, and two great-grandchildren in their time of mourning. It was an honor and a privilege to serve with Tom Lantos these last 28 years in the House of Representatives. I know that he will be remembered in the hearts of his family and friends for all the love and support he has given to them and so many others throughout the years.

I also want to recognize the outstanding job that NAACP Chairman Julian Bond has done in leading the organization.

Almost a century ago, the National Association for the Advancement of Colored People was founded in New York City during this month of February that we now recognize as Black History Month.

As a child of the civil rights movement, I witnessed first hand the leadership of the NAACP in fighting for human rights.

I remember vividly, the role the NAACP played in shattering segregation in my birthplace of El Paso, Texas.

We all know their great contributions:

From the victory in Brown vs. Board of Education, to the non-violent sit ins at segregated lunch counters, to passage of the Voting Rights Act, the NAACP has played a central role in every great civil rights battle of the last century.

Today, the Nation’s oldest and largest civil rights organization continues to be a powerful voice in the ongoing struggle against injustice, oppression, and war.

The NAACP has been a dedicated and constant partner as I have worked with my colleagues to end the war in Iraq, stop the genocide in Darfur, and eradicate the global HIV/AIDS pandemic.

They opposed the Iraq war from the beginning and support our efforts to end the occupation and bring the troops home.

They led the charge in support of my bill authorizing divestment from Sudan and they worked with faith, activist and student groups to ensure that it got signed into law at the end of last year.

And on HIV/AIDS, they have consistently been on the frontlines advocating for increased funding to help end the devastation this disease has caused in the African American community.

In short, the NAACP continues to demonstrate their commitment to stand on the battlefield and lead the charge for what is right. They deserve this honor and our praise and they deserve our thanks.

Mr. Speaker, I urge my colleagues to support this resolution.

HONORING STEVEN J. BREEZE
HON. JOHN SHIMKUS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2008

Mr. SHIMKUS. Madam Speaker, I rise today to honor Centralia, Illinois native Steven J. Breeze on being awarded the United States Air Force Distinguished Flying Cross and upon his promotion to Lieutenant Colonel.

Lt. Col. Breeze was awarded the Distinguished Flying Cross for his role in a March 22, 2003 mission during Operation Iraqi Freedom. His low level flight lasted 3 hours, covering 590 miles. His skills saved 58 lives and delivered an assault force on time to their destination.

I am proud to recognize Lt. Col. Breeze for his service to the United States of America. I join a grateful Nation in thanking him for his service and congratulating him on this award.

PERSONAL EXPLANATION
HON. ROBIN HAYES
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2008

Mr. HAYES. Madam Speaker, on February 13, 2008, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

- Rollcall vote 43, I would have voted “yea.”
- Rollcall vote 44, I would have voted “yea.”
- Rollcall vote 45, I would have voted “yea.”

COMMEMORATING THE OPENING OF THE DENTON COUNTY AFRI-CAN AMERICAN MUSEUM
HON. MICHAEL C. BURGESS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2008

Mr. BURGESS. Madam Speaker, I rise today to commemorate the opening of the Denton County African American Museum. This museum is being dedicated on Saturday, February 16, 2008, and will reflect the resilience and determination of the African American citizens of Denton County.

The museum is located in an original Quakertown house that was restored under the guidance of the Historical Park Foundation of Denton County. With its dedication, the Denton County African American Museum joins the Courthouse-on-the-Square Museum and the Bayless-Selby House Museum as part of the Denton County Museums.

The Museum's historical exhibits will feature African American families of Denton County as well as the Quakertown experience. It will also house the collection of artifacts from Dr. Edwin D. Moten, Denton’s first African American doctor. The collection includes more than 600 letters written by Dr. Moten to family, friends, and professional colleagues as well as photographs, postcards, medical records, medicine cases, his medical shingle from in front of his office, prescription pads and narcotics register from Denton County.

As someone who practiced medicine in the Denton area for nearly 30 years, I am fascinated by the pieces in Dr. Moten’s collection from both a medical and a historical perspective. My own grandfather, Dr. Harry Clifton...
Burgess, was a contemporary of Dr. Moten. While it is interesting to think about how these
men practiced before the advent of anesthesia and antibiotics, it is also inspiring to think of the
courage that someone like Dr. Moten would have had to practice in such inhospitable
conditions both personally and professionally. His perseverance during these harsh conditions is remarkable.

Madam Speaker, today I commend people like Dr. Edwin Moten for their inspiration and
prudently rise to recognize the culturally rich addi-
tion of this important museum to Denton and the entire north Texas area. I also call on north Texans and all Americans to reflect and
recall the courage, perseverance, and spirit of those honored in the new Denton County Afri-
American Museum. It is an honor to rep-resent the 26th Congressional District of Texas and to commemorate this historical oc-
cassion.

HONORING HELEN LODGE, DR. JOREA MARPLE, SARAH STEBBINS, AND JENNIFER BAI-
LEY
HON. SHELLEY MOORE CAPITO
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2008

Mrs. CAPITO. Madam Speaker, I rise today to honor four outstanding women in my district who are being honored for their commitment to others. Madam Speaker, for all of us, it is a reminder of the talents, innovative strategic thinking and leadership.

HONORING ST. LOUIS PARK FOR AWARD WINNING YOUTH PRO-
GRAMS
HON. KENT ELLISON
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2008

Mr. ELLISON. Madam Speaker, I rise today to honor the great city of St. Louis Park, Min-
nesota for winning the America’s Promise Alli-
ance’s 100 Best Communities for Young Peo-
ple competition for the third year in a row. St. Louis Park is one of the cities in the Fifth Con-
gressional District of Minnesota.

St. Louis Park is an amazing community for young people because residents engage youth with meaningful artistic, cultural and civic op-
portunities. The Friends of the Arts program, which pairs youth with donated musical instruments and offers creative writing classes for teens. A local church, the Lutheran Church of the Reformation, offers young artists the ability to improve their artistic skills and a platform to perform or display their work.

 Residents of St. Louis Park’s Lake Forest Neighborhood organize a program called “Arts Crawl” which sponsors family art programs and raises scholarship funds for youth. Addi-
tionally, the city government makes an effort to invite young people to community events and
meetings.

The City of St. Louis Park and its residents are committed to a brighter future for their city, their state and their country. I applaud Mayor Jeff Jacobs, the residents of St. Louis Park and especially the young people for their hard work and dedication to improve their commu-
nities.

A TRIBUTE TO THE LATE RUSSELL HAMMER
HON. LUCILLE ROYBAL-ALLARD
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2008

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to recognize the late Rusty Ham-
mer, a dedicated leader and advocate on be-
half of the Los Angeles business community and a dear friend, who passed away recently after a long battle with cancer.

I had the privilege of working with Rusty during his 5 years as President and Chief Ex-
ceutive Officer of the Los Angeles Chamber of Commerce.

At the chamber’s helm, Rusty dedicated himself to improving the quality of life and eco-


nomic prosperity of the Los Angeles Cham-
berr for 50 years, Rusty served more than 600,000 employees throughout the Los Ange-
les region.

Under Rusty’s dedicated leadership, the Los Angeles Chamber successfully built partner-
ships between business, community, labor and civic organizations. Today, these partnerships have reestablished the Chamber as the Los Angeles region’s premier business advocacy organization.

Rusty’s talents, innovative strategic thinking and willingness to work with stakeholders on all aspects of the political spectrum played an in-
tegral role in the Los Angeles area’s economic growth. I observed this first hand during the chamber’s annual trips to Washington, DC, which became immensely productive and influ-
ential under Rusty’s leadership.

While we all deeply miss Rusty, I know his work and many contributions will continue to benefit the Los Angeles business community for many years to come. My thoughts and prayers are with Rusty’s special wife, Pam, and their family during this difficult time. Madam Speaker, in honor of Rusty’s life, I would like to submit for the RECORD this obitu-
ary that appeared in the Los Angeles Times on January 30. It provides more insight into Rusty’s full and accomplished life.

RUSSELL HAMMER, 54, HEAD OF L.A. BUSINESS GROUP
(By Elaine Woon)

Russell J. “Rusty” Hammer, former presi-
dent and chief executive of the Los Angeles Area Chamber of Commerce, died Monday at a hospice in San Jose, Calif.

The cause was leukemia, according to a chamber spokeswoman.

Hammer was credited with revitalizing the Los Angeles business group, which he led for five years until 2006, when he stepped down because of his illness. During his tenure, chamber membership grew from 1,250 to 1,600 companies, and new initiatives helped to refocus the organization on local, state and national policy issues.

“Rusty had a substantial impact on the chamber and also on the people he worked with,” said George Kieffer, a Los Angeles attorney who was chairman of the chamber during the first years of Hammer’s presidency. “The chamber has an extraordinary legacy but . . . had become less active in the business community and the greater civic commu-


nity. Rusty played a very big part in turning that around.”

Born on May 12, 1953, in Orleans, France, Hammer grew up in San Jose. He received a bachelor’s degree in political science at the University of Santa Clara in 1975 and a mas-
ter’s in public administration from San Jose State University in 1979.

He entered politics at an early age, orga-


nizing high school students for Sen. Robert F. Kennedy’s presidential campaign in 1968. He ran for office himself in 1972, be-
coming at 18 the youngest person elected to the Campbell, Calif., City Council. At 21, he became mayor and made headlines as the na-


tive’s youngest mayor.

After two terms as mayor, he entered busi-
ness and served in a variety of management
positions, later rising to president of Quadrex Corp., an engineering firm.

In 1994 he was recruited to become chief executive of the Sacramento Metropolitan Chamber of Commerce. Over the next seven years he raised the profile of the Sacramento chamber, leading it to take a prominent role in local issues, such as the effort to save McClatchy, and initiating a public policy seminar that attracted world figures, including Henry Kissinger and Margaret Thatcher.

When he arrived in Los Angeles in 2001, Hammer worked in a similar fashion, finding ways to make the Los Angeles chamber more relevant to members. He reached out to other local business groups, small companies and entrepreneurs and organized events that offered a regional perspective, such as a 2002 conference on transportation that drew 500 participants from business and government.

In 2003 he was diagnosed with a rare form of leukemia and spent 303 days in a hospital undergoing intensive treatment. While battling his illness, he helped organize a Silicon Valley branch of the Wellness Community, a support group for cancer patients.

He also wrote a book, "When Cancer Calls - So Ye Shall To Life," which he published on his own last year. The book discusses how his battle against cancer forced major adjustments in his life and changed his values. He told the San Jose Mercury News last year that he was inspired to write the book by his children, twins Gerald and Jennifer, who told him he could not die until he had taught them everything he could about how to approach life. He is also survived by his wife, Pamela.

NATIONAL OCEAN EXPLORATION PROGRAM

SPEECH OF
HON. MADELINE Z. BORDALLO
OF GUAM
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 13, 2008

Ms. BORDALLO. Madam Speaker, I rise in strong support of H.R. 1834. I want to commend the Committee on Science, and Technology, Chairman BART GORDON, and the Ranking Republican Member, Congressman RALPH HALL, for their leadership in bringing this important bill to enhance our understanding of the marine environment to the House floor.

When I became Chairwoman of the Subcommittee on Fisheries, Wildlife and Oceans at the beginning of the 110th Congress, one of my top priorities was to take action on legislation to address the thoughtful recommendations offered by the U.S. Commission on Ocean Policy to improve our Nation's ocean environment. This legislation, H.R. 1834, would implement a key recommendation of the Commission by authorizing two important ocean research programs within the National Oceanic and Atmospheric Administration—the Ocean Exploration and Research Program and the National Undersea Research Program.

This legislation, which amends the bill that was reported by the Committee on Natural Resources on August 4, 2007, would further strengthen NOAA's standing as the preeminent civilian federal ocean agency by granting the agency explicit authority to conduct scientific research that directly contributes to increasing scientific knowledge of the world's oceans.

The legislation would address the glaring national need identified by the U.S. Commission on Ocean Policy to develop and advance new innovations in oceanographic research, communication and navigation technologies to support ocean exploration and science, and expand extramural ocean research.

Additionally, this legislation would emphasize the importance of outreach and public education to ensure that future scientific discoveries and benefits are disseminated to decision-makers in both the public and private sectors and continue to engage the general public. This will increase both public awareness and appreciation of how the world's oceans affect our economic and environmental well-being.

Again, I commend my colleagues on the Committee on Science and Technology for their cooperation. The support of the Chairman of the Natural Resources Committee, Chairman NICK RAHALL, and the ranking Republican member, Congressman DON YOUNG, was also indispensable. Finally, I also acknowledge the leadership of Congressman Jim SAXTON, the sponsor of the bill. I encourage my colleagues to vote for this non-controversial legislation.

CELEBRATING THE 35TH ANNIVERSARY OF CHRISTIAN COMMUNITY ACTION AND THEIR CONTRIBUTIONS TO THE NORTH TEXAS COMMUNITY

HON. MICHAEL C. BURGESS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2008

Mr. BURGESS. Madam Speaker, I rise today to congratulate Christian Community Action for celebrating its 35th anniversary. Christian Community Action, an organization devoted to helping those in need, has made a tremendous impact on area citizens during its tenure in the north Texas community.

Founded on February 22, 1973, Christian Community Action began by serving local congregations. The group soon began distributing fliers in needy areas offering assistance to those local families who needed it most. CCA provided gifts of food, clothing, housewares, and repair work, but soon realized that for the group to have the effect they wanted, they needed to find a way to expand their reach and obtain financial resources.

It was this decision that caused the organization to connect with area families on a much more personal level. CCA caseworkers learned all about each family’s income, budgeting, and spending habits, which presented them with both the information they needed to provide assistance and the coveted opportunity to bond with those they served.

Beginning in 1975, Christian Community Action began focusing on larger scale initiatives, such as resale stores. Now the CCA has evolved from a small bible study group to a thriving organization serving Lewisville and the surrounding area with three CCA resale stores, an adult health center, food services, and education and vocational training.

I would also like to commend Christian Community Action on the importance of the role they play in helping meet the health assistance needs in Denton County, where there is no county hospital to assist. As an OB/GYN in Denton County for almost 30 years, I’m acutely aware of the needs of the mothers and young children and I especially thank Christian Community Action for their mission in meeting these health needs.

It was also through my work with Christian Community Action that the idea for a program within the Consumer Product Safety Commission to increase awareness for second-hand retailers regarding recalled products was initiated. This project was successfully adopted in the Consumer Product Safety Modernization Act, and I commend CCA for their dedication to improving awareness about dangerous recalled products for similar organizations all across the United States.

With more than 2,500 volunteers, CCA touches the lives of approximately 12,000 people every year. However, they are far more than a charity group. To the 1,500 patients treated in the health center each year; to the parents of the children provided with lunches, school supplies, Christmas presents, and clothes; to the 1,160 people who have been given educational and vocational training; to these people, Christian Community Action offers hope. The building blocks provided by the CCA create a foundation for those in our community to create better lives for themselves.

Madam Speaker, it is with great honor that I stand here today to honor Christian Community Action on their anniversary. Thirty-five years of service is a milestone to be celebrated.

TRIBUTE TO REVEREND DR. JEREMIAH A. WRIGHT, JR., SENIOR PASTOR OF THE TRINITY UNITED CHURCH OF CHRIST (TUCK) OF CHICAGO, ILLINOIS

HON. BOBBY L. RUSH
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2008

Mr. RUSH. Madam Speaker, I rise today to pay tribute to and honor Reverend Dr. Jeremiah A. Wright, Jr., who delivered his final sermon on Sunday, February 10, 2008, as the Senior Pastor of the Trinity United Church of Christ of Chicago, Ill.

Dr. Wright was born on September 22, 1941, in Philadelphia, PA to the union of the Reverend Jeremiah West, Sr. and Dr. Mary Henderson Wright. His parents were his earliest influences, instilling in him the possibility of balancing the intellectual with the spiritual.

Upon completion of his elementary and secondary education in Philadelphia, Dr. Wright matriculated at Virginia Union University. After 3½ years at Virginia Union, Dr. Wright left school and entered the U.S. Marine Corps. He transferred from the USMC into the U.S. Navy where he served as a cardiopulmonary technician.

After 6 years with distinction in the military, Dr. Wright transferred to Howard University where he completed his undergraduate studies and received his first master’s degree. His second master’s degree was from the University of Chicago Divinity School and he furthered his academic pursuits with a doctorate from the United Theological Seminary.

In addition to Dr. Wright’s formal education, he has been the recipient of eight honorary doctorates. He is the recipient of numerous awards, including three presidential commendations.
An accomplished musician, theologian and author, Wright has written four books, numerous articles and countless sermons and was named one of Ebony’s top 15 preachers. Dr. Wright has lectured at seminaries and universities across the United States and has represented Trinity and The United Church of Christ around the world.

Dr. Wright became Pastor of Trinity UCC on March 1, 1972. Under his leadership, the membership grew from 87 members to nearly 10,000 today with over 70 ministries offered to enhance the Christian journey. Dr. Wright shares his life and ministry with his wife, Rev. Ramah Reed Wright, and is the father of five children and grandfather of three.

Madam Speaker, I am proud to recognize the life achievements of Reverend Dr. Jeremiah Wright, Jr., Senior Pastor of the Trinity United Church of Christ and I want to encourage Dr. Wright to continue to be “Unashamedly Black and Unapologetically Christian.” I am truly honored to pay tribute to this outstanding Servant of God and I am privileged to enter these words into the CONGRESSIONAL RECORD of the United States House of Representatives.

IN HONOR OF PHILLIP MORRIS
HON. STEPHANIE TUBBS JONES
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2008

Mrs. JONES of Ohio, Madam Speaker, today I rise to honor Phillip Morris, a good friend and a great constituent of the Eleventh Congressional District of Ohio. Phillip Morris is characterized by many as an “affable and altruistic man.” Phillip Morris joined the staff of the Case Western Reserve University law school on October 4, 1971, as building superintendent when the law school was located on Adelbert Road in Cleveland, Ohio. Since then he has worked tirelessly providing support for over one hundred faculty and staff, over six hundred students, and to keep the facilities of the building running smoothly.

Phillip’s calm demeanor and great sense of humor have become an invaluable presence at the law school as well as his ability to prepare the building for classes and special events. Phillip has also been described by some as, “The ultimate handcrafter.” When Phillip is not working in the law school, he can be found working on carpentry and construction projects at home.

In 2004, Phillip Morris was chosen as one of three recipients of the President’s Award for Distinguished Service at Case Western Reserve University. This is the highest award that the University confers on its staff personnel. The award recognizes an individual’s dedication to providing outstanding service to the Case Western Reserve University community.

Phillip retired from his work on February 1, 2008. Phillip and his wife will enjoy retirement in their newly purchased home in the suburbs of Nashville, Tennessee.

On behalf of the Eleventh Congressional District of Ohio it gives me great pleasure to congratulate this friend, Phillip Morris, for his service to Case Western Reserve University, and the Eleventh Congressional district of Ohio.

EXPRESSIONS OF THE CONDOLENCE
OF THE HOUSE OF REPRESENTATIVES
ON THE DEATH OF THE HONORABLE TOM LANTOS,
A REPRESENTATIVE OF THE STATE OF CALIFORNIA

SPREAD OF
HON. HEATH SHULER
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2008

Mr. SHULER, Madam Speaker, I rise today to celebrate the life of a great friend and statesman, Congressman Tom Lantos. My prayers are with his family and friends during this time of mourning.

Upon my arrival to Congress, Representative LANTOS personally invited me to his office to welcome me to this body. I appreciated his kind words and encouragement as I started my work here. Since that time Congressman LANTOS has been a wonderful friend of mine and will forever be a source of great inspiration in my professional and personal life.

Congressman LANTOS’ early life experiences as a Holocaust survivor and as part of the resistance movement against the Nazis shaped his future work as a husband, father, academic, and public servant. At the young age of 16, Mr. LANTOS and his family were forced into facilted forced labor camps. After escaping twice, Mr. LANTOS sought refuge in a Jewish safe house in Budapest run by humanitarian Raoul Wallenberg. After the war ended, he returned to the capital of Budapest in search of his family, only to discover that they had all perished at Auschwitz and other death camps.

He reconnected with a childhood friend, Annette, to whom he was married for almost 58 years.

Congressman LANTOS has been a champion for human rights, social justice, and civil liberties during his 28 years in Congress. Congressman LANTOS’ dedication to serving his constituents and this Nation will not be forgotten. His life will be remembered as one of courage, selflessness, and tireless dedication to his principles.

My thoughts and prayers go out Congressman LANTOS’ wife Annette, his two children, eighteen grandchildren, and two great-grandchildren. I ask my colleagues to join me in solemn remembrance of this great public servant.

PINELLAS COUNTY, FLORIDA
COAST GUARD AUXILIARY TEAM WINS INTERNATIONAL SEARCH AND RESCUE COMPETITION

HON. C.W. BILL YOUNG
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2008

Mr. YOUNG of Florida, Madam Speaker, For the first time ever, an American team has won the International Search and Rescue Competition in Toronto, Canada and I am proud to say that the four members of the team are from Pinellas County, Florida. I have the privilege to represent

Representatives of the Pinellas County Combined Search and Rescue Team are from Pinellas County, Florida, beat 11 other U.S. and Canadian teams, scoring an impressive 88 out of 104 possible points. They finished 35 points ahead of the second place team.

The international competition emphasizes events that are designed to test team abilities to plan, communicate, and carry out a maritime search and rescue mission. These are skills that all Coast Guard sailors and auxiliary members must know and be able to execute on a moment’s notice to save a life or lives at sea.

The team will be honored on Wednesday, February 27, 2008, during ceremonies at Coast Guard Search and Rescue Station Sand Key where they will officially receive the winning trophy for the 2007 International Search and Rescue Competition. Rear Admiral Douglas Kolin, the Commandant of the United States Coast Guard District Seven, will preside at the ceremony.

Coast Guard Search and Rescue Station Sand Key is one of four major Coast Guard installations in the 10th Congressional District of Florida and this winning team is symbolic of all the men and women of the United States Coast Guard who serve to defend our coastline and protect lives every day of the year, regardless of the threat and the weather.

Madam Speaker, please join me in congratulating these volunteers from Pinellas County that through hard work, dedication, professionalism, and spirited teamwork have brought great honor to our Nation and the United States Coast Guard and the United States Coast Guard Auxiliary.

A QUARTET OF U.S. COAST GUARD AUXILIARIES FROM PINELLAS COUNT, FLA., BEAT FIVE OTHER U.S. AND SIX CANADIAN TEAMS AT THE 2007 INTERNATIONAL SEARCH AND RESCUE COMPETITION IN TORONTO, CANADA.

For the first time in the eight year history of the competition, American lifesavers carried home the coveted trophy.

To get to ISAR, teams of lifesavers must compete in preliminary regional events. Teams are judged in skill areas in the field of Maritime Search and Rescue. ISAR 2007 featured events that are designed to test the volunteers’ ability to plan, communicate and execute a maritime search and rescue mission.

Person-In-The-Water Recovery Event evaluated each team’s ability to safely approach and retrieve a person or other object in the water and rescue a person from a burning boat. Other events included: Search and Rescue Planning, Seamanship, Communications, Dewatering Line Toss and Marlinespike and two surprise events, one with the boat heimsean blindsfolded and taking direction from a crewman and another where crewmen used their boat to retrieve and bring back a mannequin and bring this simulated victim to shore.

The winning American team consisted of team captain Kevin McConn, 48, of Tarpon Springs, Don Hoge, 59, Jim Ryder, 69, and Max Garrison, 65, all of Tarpon Springs, Florida. In events that included skills involving strength and speed, these veteran American
mariners beat out teams that included much younger U.S. and Canadian competitors. Scoring an impressive 88 out of a possible 104 points, the Florida Auxiliarists bested the closest competitors, a Canadian team, by an impressive 35 points.

CONGRATULATING GREG WEATHERFORD ON HIS COMMUNITY CONTRIBUTIONS

HON. MICHAEL C. BURGESS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2008

Mr. BURGESS. Madam Speaker, I rise today to recognize a student from my district who has been nationally recognized for commendable volunteer service in his community. Greg Weatherford of Little Elm, Texas has been acknowledged as a distinguished finalist in Texas by the 2008 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each State and the District of Columbia.

Greg, a senior at Little Elm High School, established the youth service organization “Young People Who Care” 4 years ago. This group gives students the opportunity to become active in their community. “Young People Who Care” has established, among other things, a district-wide peer tutoring program, a school and community beautification committee, and a school-wide recycling program. Greg will receive an engraved bronze medalion for his achievements.

The Prudential Spirit of Community Awards was created by Prudential Financial in partnership with the National Association of Secondary School Principals in 1995 to emphasize to all youth volunteers that their contributions are vitally important and highly valued, and to inspire other young people to follow in their footsteps. Since its founding, the program has become the Nation’s largest youth recognition effort based solely on community service, and has honored more than 80,000 young volunteers at the local, State, and national level.

Greg should be extremely proud of his achievement. I heartily applaud him for the positive impact he has had on the community. Greg has demonstrated a level of commitment and accomplishment that is truly extraordinary in today’s world, and deserves our sincere admiration and respect. It is an honor to represent such an extraordinary young person in the 26th district of Texas, and I earnestly look forward to the positive contributions he will undoubtedly bestow upon the north Texas community.
HIGHLIGHTS

Senate agreed to H. Con. Res. 293, Adjournment Resolution.

Senate

Chamber Action

Routine Proceedings, pages S993–S1086

Measures Introduced: Eighteen bills and four resolutions were introduced, as follows: S. 2637–2654, and S. Res. 454–457.

Measures Passed:

K.T. Safety Act: Committee on Commerce, Science, and Transportation was discharged from further consideration of H.R. 1216, to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and the bill was then passed, clearing the measure for the President.

United States and the Republic of Korea: Committee on Foreign Relations was discharged from further consideration of S. Res. 444, 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, and the resolution was then agreed to, after agreeing to the following amendment proposed thereto:

Reid (for Biden) Amendment No. 4084, to modify the description of the economic relationship between the United States and the Republic of Korea.

NATO Membership Action Plan with Georgia and Ukraine: Senate agreed to 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.

Chinese New Year: Senate agreed to S. Res. 457, recognizing the cultural and historical significance of the Chinese New Year or Spring Festival.

Adjournment Resolution: Senate agreed to H. Con. Res. 293, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

Measures Considered:

Indian Health Care Improvement Act Amendments: Senate continued consideration of S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act, taking action on the following amendments proposed thereto:

Adopted:

By a unanimous vote of 95 yeas (Vote No. 24), Dorgan/Murkowski Amendment No. 4082 (to Amendment No. 3899), of a perfecting nature.

By a unanimous vote of 94 yeas (Vote No. 27), Coburn Amendment No. 4032 (to Amendment No. 3899), to protect rape and sexual assault victims from HIV/AIDS and other sexually transmitted diseases.

Brownback Modified 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.

Mikulski Amendment No. 4023 (to Amendment No. 3899), to temporarily delay application of proposed changes to Medicaid payment rules for case management and targeted case management services.

Murkowski (for Martinez) Modified Amendment No. 3906 (to Amendment No. 3899), to amend titles XI and XVIII of the Social Security Act to provide increased civil and criminal penalties for acts involving fraud and abuse under the Medicare program.

Bingaman/Thune Amendment No. 4083 (to Amendment No. 3899), to require the Comptroller...
General of the United States to conduct a study on payments for contract health services. Page S1040

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 S994, S1040

Dorgan (for Coburn) Modified Amendment No. 4078 (to Amendment No. 3899), to determine the factors leading to significant tobacco-related disease and disproportionate health effects on tribal populations. Page S1040

Coburn Amendment No. 4029 (to Amendment No. 3899), to require a study of membership criteria for federally recognized Indian tribes. Pages S992, S997, S1040

Murkowski (for Vitter) Amendment No. 4038 (to Amendment No. 3899), of a perfecting nature. Pages S1030–32

Rejected:

By 28 yeas to 67 nays (Vote No. 25), Coburn Amendment No. 4034 (to Amendment No. 3899), to allow tribal members to make their own health care choices. Pages S996, S998, S1020–22, S1026–27

By 21 yeas to 73 nays (Vote No. 26), Coburn Amendment No. 4036 (to Amendment No. 3899), to prioritize scarce resources to basic medical services for Indians. Pages S996, S998, S1027–30, S1032

Withdrawn:

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. Pages S993, S1010

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 S994, S1013

Coburn Amendment No. 4024 (to Amendment No. 3899), to ensure that tribal members receive scientifically effective health promotion services. Pages S996, S997, S1040

Coburn Amendment No. 4025 (to Amendment No. 3899), to clarify the absence of authorization of racial preference in employment. Pages S996, S997, S1040

Coburn Amendment No. 4026 (to Amendment No. 3899), to modify a provision relating to child sexual abuse and prevention treatment programs. Pages S996, S997, S1040

Coburn Amendment No. 4027 (to Amendment No. 3899), to clarify the effect of a title. Pages S996, S997, S1040

Coburn Amendment No. 4028 (to Amendment No. 3899), to provide a blood quantum requirement for Federal recognition of Indian tribes. Pages S996, S997, S1040

Coburn Amendment No. 4030 (to Amendment No. 3899), to ensure tribal members have access to the highest levels of quality and safety in the Service. Pages S996, S997, S1040

Coburn Amendment No. 4031 (to Amendment No. 3899), to promote transparency and quality in the Service. Pages S996, S997, S1040

Coburn/DeMint Amendment No. 4033 (to Amendment No. 3899), to allow tribal members to make their own health care choices. Pages S996, S997–98, S1040

Coburn Amendment No. 4035 (to Amendment No. 3899), to prioritize patient care over administrative overhead. Pages S996, S998, S1040

Coburn Amendment No. 4037 (to Amendment No. 3899), to prioritize scarce resources to basic medical services for Indians. Pages S996, S998–99, S1040

Pending:

Vitter Amendment No. 3896 (to Amendment No. 3899), to modify a section relating to limitation on use of funds appropriated to the Service. Page S993

Dorgan Amendment No. 3899, in the nature of a substitute. Page S994

Smith Amendment No. 3897 (to Amendment No. 3899), to modify a provision relating to development of innovative approaches. Pages S1004–06

Murkowski (for DeMint) Amendment No. 4015 (to Amendment No. 3899), to authorize the Secretary of Health and Human Services to establish an Indian health savings account demonstration project. Pages S1030–32

Murkowski (for DeMint) Amendment No. 4066 (to Amendment No. 3899), of a perfecting nature. Pages S1030–32

Murkowski (for DeMint) Amendment No. 4070 (to Amendment No. 3899), of a perfecting nature. Pages S1030–32

Murkowski (for DeMint) Amendment No. 4073 (to Amendment No. 3899), of a perfecting nature. Pages S1030–32

DeMint Amendment No. 4080 (to Amendment No. 4070), to rescind funds appropriated by the Consolidated Appropriations Act, 2008, for the City of Berkeley, California, and any entities located in such city, and to provide that such funds shall be transferred to the Operations and Maintenance, Marine Corps account of the Department of Defense for the purposes of recruiting. Pages S1037–38

During consideration of this measure today, the following action also occurred:
DeMint Amendment No. 4067 (to Amendment No. 3894), to rescind funds appropriated by the Consolidated Appropriations Act, 2008, for the City of Berkeley, California, and any entities located in such city, and to provide that such funds shall be transferred to the Operation and Maintenance, Marine Corps account of the Department of Defense for the purposes of recruiting, fell when Bingaman/Thune Amendment No. 3894 (to Amendment No. 3899) (listed above) was withdrawn.

Pages S1006–08, S1022–24

Gregg Amendment No. 4022 (to Amendment No. 3900), to provide funding for the Low-Income Home Energy Assistance Program in a fiscally responsible manner, fell when Sanders Amendment No. 3900 (to Amendment No. 3899) (listed above) was withdrawn.

A motion was entered to close further debate on Dorgan Amendment No. 3899 (listed above), and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Thursday, February 14, 2008, a vote on cloture will occur at 5:30 p.m., on Monday, February 25, 2008.

Page S994

A motion was entered to close further debate on the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Thursday, February 14, 2008, a vote on cloture will occur on Monday, February 25, 2008.

Page S1045

A unanimous-consent agreement was reached providing for further consideration of the bill after the traditional reading of Washington’s Farewell Address, on Monday, February 25, 2008, and that the cloture vote on Dorgan Amendment No. 3899 (listed above), occur at 5:30 p.m., on Monday, February 25, 2008; that if cloture is invoked on Dorgan Amendment No. 3899, all post-cloture time be yielded back except for the times specified in this agreement, that the Managers each have 10 minutes of debate for their use, and that all debate time be equally divided and controlled in the usual form; that Senator DeMint be recognized for up to 1 hour to speak with respect to any of his pending germane amendments; that with respect to Vitter Amendment No. 3896 (to Amendment No. 3899) (listed above), and a first-degree germane amendment from the Majority on the subject matter of Vitter Amendment No. 3896, that debate time on these two amendments be limited to 60 minutes each; that Smith Amendment No. 3897 (to Amendment No. 3899) (listed above) be limited to 20 minutes of debate; that no further amendments be in order and that upon the use of time with respect to the DeMint amendments, Senate vote on or in relation to the amendments; that the vote sequence occur in the order in which the amendments are listed in this agreement, except that the Majority amendment with respect to Vitter Amendment No. 3896 (to Amendment No. 3899) (listed above) would occur first; that there be 2 minutes of debate prior to each vote; provided further, that upon the disposition of all pending amendments, Dorgan Amendment No. 3899 (listed above), as amended be agreed to, and the bill be read a third time, and Senate then vote on the motion to invoke cloture on the bill and that if cloture is invoked, all post-cloture time be yielded back, the Committee on Indian Affairs be discharged from further consideration of H.R. 1328, the House of Representatives companion measure, and Senate then begin its consideration, that all after the enacting clause be stricken and the text of S. 1200, as amended, be inserted in lieu thereof, that the bill be advanced to third reading, passed, and the motion to reconsider be laid upon the table; that upon passage of H.R. 1328, S. 1200 be returned to the calendar, and the mandatory quorum be waived; and that if cloture is not invoked, this agreement is null and void.

Pages S1045–46, S1082

NEW DIRECTION FOR ENERGY INDEPENDENCE, NATIONAL SECURITY, AND CONSUMER PROTECTION ACT: Senate began consideration of the motion to proceed to consideration of H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

A motion was entered to close further debate on the motion to proceed to consideration of the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Thursday, February 14, 2008, a vote on cloture will occur not prior to the votes on the motions to invoke cloture on the motions to proceed to consideration of S. 2633, to provide for the safe redeployment of United States troops from Iraq, and S. 2634, to require a report setting forth the global strategy of the United States to combat and defeat al Qaeda and its affiliates.

Subsequently, the motion to proceed was withdrawn.

Appointments:

A unanimous-consent agreement was reached providing that the appointment at the desk appear separately in the Congressional Record as if made by the
Chair and replace the appointment made by the Chair on Wednesday, February 13, 2008.

**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 Vice Chairman of the U.S.-Japan Interparliamentary Group conference for the 110th Congress: Senator Stevens.

**Federal Judicial Center Foundation Board:** The Chair, on behalf of the President pro tempore, pursuant to the provisions of Public Law 100–702, re-appointed the following individual to the Federal Judicial Center Foundation Board: John B. White Jr., of South Carolina.

**Open World Leadership Center:** The Chair, on behalf of the President pro tempore, pursuant to the provisions of 2 U.S.C. Sec. 1151, as amended, appointed the following individual to the Board of Trustees of the Open World Leadership Council: Senator Wicker.

**National Commission on Children and Disasters:** The Chair, on behalf of the Democratic Leader, pursuant to the provisions of Public Law 110–161, appointed the following individuals to serve as members of the National Commission on Children and Disasters: Mark Shriver of Maryland and Sheila Leslie of Nevada.

**Cloture Motions—Agreement:** A unanimous-consent agreement was reached providing that on Monday, February 25, 2008, notwithstanding Rule XXII of the Standing Rules of the Senate, it be in order to move to proceed to consideration of the following bills in the order listed, that motions to invoke cloture be filed, and that once the motions have been made and the cloture motions filed, the motions to proceed be withdrawn; provided further, that the votes on the motions to invoke cloture occur on Tuesday, February 26, 2008, upon disposition of H.R. 1328, Indian Health Care Improvement Act Amendments, with two minutes of debate prior to each vote on the motion to invoke cloture specified in this agreement, equally divided and controlled between the Majority and Republican Leaders, or their designees:
- S. 2633, to provide for the safe redeployment of United States troops from Iraq.
- S. 2634, to require a report setting forth the global strategy of the United States to combat and defeat al Qaeda and its affiliates.

**Bills and Statements—Agreement:** A unanimous-consent agreement was reached providing that, notwithstanding the Senate being in pro forma session on Friday, February 15, 2008, that the Congressional Record remain open until 12:00 noon for bill introductions and statements.

**Authority for Committees—Agreement:** A unanimous-consent agreement was reached providing that, notwithstanding the adjournment of the Senate, all committees be authorized to file legislative and executive reports on Friday, February 22, 2008, from 10:00 a.m. until 12:00 noon.

**Authorizing Leadership to Make Appointments—Agreement:** A unanimous-consent agreement was reached providing that, notwithstanding the adjournment of the Senate, the President of the Senate, the President Pro Tempore, and the Majority and Minority Leader be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

**Nominations Received:** Senate received the following nominations:
- Jeffrey Robert Brown, of Illinois, to be a Member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund for a term of four years.
- David Gustafson, of Virginia, to be a Judge of the United States Tax Court for a term of fifteen years.
- Elizabeth Crewn Paris, of the District of Columbia, to be a Judge of the United States Tax Court for a term of fifteen years.
- Joseph Evan LeBaron, of Oregon, to be Ambassador to the State of Qatar.
- Stephen James Nolan, of Virginia, to be Ambassador to the Republic of Botswana.
- Samuel W. Speck, of Ohio, to be a Commissioner on the part of the United States on the International Joint Commission, United States and Canada.
- William T. Lawrence, of Indiana, to be United States District Judge for the Southern District of Indiana.
  1 Army nomination in the rank of general.
  2 Marine Corps nominations in the rank of general.
  25 Navy nominations in the rank of admiral.

**Measures Placed on the Calendar:**

**Additional Cosponsors:**

**Statements onIntroduced Bills/Resolutions:**

**Additional Statements:**

**Amendments Submitted:**

**Notices of Hearings/Meetings:**

**Authorities for Committees to Meet:**
Privileges of the Floor: Page S1082

Record Votes: Four record votes were taken today. (Total—27) Pages S1026, S1027, S1032, S1032–33

Recess: Senate convened at 9:30 a.m. and recessed at 8:13 p.m., until 10:00 a.m. on Friday, February 15, 2008. (For Senate’s program, see the remarks of the Majority Leader in today’s Record on page S1085.)

Committee Meetings

(Committees not listed did not meet)

AFGHANISTAN STRATEGY
Committee on Armed Services: Committee concluded hearings to examine the strategy in Afghanistan, focusing on reports by the Afghanistan Study Group and the Atlantic Council of the United States, after receiving testimony from James J. Shinn, Assistant Secretary for Asian and Pacific Security Affairs, Office of the Secretary of Defense for Policy, and Lieutenant General John F. Sattler, USMC, Director for Strategic Plans and Policy, J–5, Joint Staff, both of the Department of Defense; Richard A. Boucher, Assistant Secretary of State for South and Central Asian Affairs; General James L. Jones, USMC (Ret.), Atlantic Council of the United States, and Karl F. Inderfurth, George Washington University, both of Washington, D.C.

CURRENT U.S. ECONOMY
Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the current state of the United States economy and financial matters, after receiving testimony from Henry M. Paulson, Jr., Secretary of the Treasury; former Representative Christopher Cox, Chairman, U.S. Securities and Exchange Commission; and Ben S. Bernanke, Chairman, Board of Governors of the Federal Reserve System.

INFORMATION TECHNOLOGY AND HEALTH CARE REFORM
Committee on the Budget: Committee concluded a hearing to examine health care and the federal budget, focusing on information technology and health care reform, after receiving testimony from Valerie C. Melvin, Director, Human Capital and Management, Information Systems Issues, Government Accountability Office; Laura L. Adams, Rhode Island Quality Institute, Providence; and Mary R. Grealy, Healthcare Leadership Council, Washington, D.C.

USDA FOREST SERVICE BUDGET
Committee on Energy and Natural Resources: Committee concluded a hearing to examine the President’s proposed budget request for fiscal year 2009 for the United States Department of Agriculture Forest Service (USDA), after receiving testimony from Mark Rey, Under Secretary, and Abigail Kimbell, Chief, USDA Forest Service, both of the Department of Agriculture.

MARINE VESSEL EMISSIONS REDUCTION ACT
Committee on Environment and Public Works: Committee concluded a hearing to examine S. 1499, to amend the Clean Air Act to reduce air pollution from marine vessels, after receiving testimony from Bryan Wood-Thomas, Associate Director, Office of Transportation and Air Quality, Office of Air and Radiation, U.S. Environmental Protection Agency; Barry R. Wallerstein, South Coast Air Quality Management District, Diamond Bar, California; Lisa P. Jackson, New Jersey Department of Environmental Protection, Trenton; Jennifer J. Mouton, Louisiana Department of Environmental Quality Air Quality Assessment Division, Trenton, Baton Rouge; John G. Miller, American College of Emergency Physicians (ACEP), San Pedro, California; Richard Kassel, Natural Resources Defense Council (NRDC), New York, New York; Joe Accardo, Jr., Ports Association of Louisiana (PAL), and Joel T. Chaisson, Port of South Louisiana, both of LaPlace; Ken Wells, Offshore Marine Service Association, Harahan, Louisiana; and Jon Ramirez, San Bernardino, California.

INTERNATIONAL CARBON CAP AND TRADE PROGRAM

FEDERAL ACQUISITION WORKFORCE
Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded a hearing to examine ways to build and strengthen the Federal acquisition workforce, after receiving testimony from Paul A. Denett, Administrator, Federal Procurement Policy, Office of Management and Budget; Frank J. Anderson, Jr., President, Defense Acquisition University,
Office of the Under Secretary for Acquisition, Technology, and Logistics, Department of Defense; and Karen A. Pica, Director, Federal Acquisition Institute, General Services Administration.

DEPARTMENT OF HOMELAND SECURITY BUDGET
Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the President’s proposed budget request for fiscal year 2009 for the Department of Homeland Security, after receiving testimony from Michael Chertoff, Secretary of Homeland Security.

DNI AUTHORITIES
Select Committee on Intelligence: Committee concluded a hearing to examine the authorities given to the Director of National Intelligence and personnel issues, after receiving testimony from J. Michael McConnell, Director of National Intelligence.

House of Representatives

Chamber Action
Public Bills and Resolutions Introduced: 37 public bills, H.R. 5437–5473; and 9 resolutions, H. Con. Res. 297–299; and H. Res. 986–988, 990–992 were introduced.

Additional Cosponsors:

Reports Filed: Reports were filed today as follows:

H. Res. 989, dismissing the election contest relating to the office of Representatives from the Thirteenth Congressional District of Florida (H. Rept. 110–528).

Chaplain: The prayer was offered by the guest Chaplain, Monsignor Richard W. O’Keefe, Immaculate Conception Church, Yuma, Arizona.

Speaker Pro Tempore: Read a letter from the Speaker wherein she appointed Representative Hoyer and Representative Van Hollen to act as Speaker pro tempore to sign enrolled bills and joint resolutions through February 25, 2008.

Recess: The House recessed at 10:18 a.m. and reconvened at 11:05 a.m.

Motion to Adjourn: Rejected the Lincoln Diaz-Balart motion to adjourn by a yea-and-nay vote of 2 yeas to 390 nays, Roll No. 58.

Motion to Adjourn: Rejected the Lincoln Diaz-Balart motion to adjourn by a yea-and-nay vote of 2 yeas to 400 nays, Roll No. 59.

Providing for the adoption of H. Res. 979 and for the adoption of H. Res. 980: The House agreed to H. Res. 982, providing 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, by a recorded vote of 223 ayes to 32 noes, with 1 voting “present”, Roll No. 60, after agreeing to order the previous question by voice vote.

Pursuant to the rule, H. Res. 979 and H. Res. 980 are adopted.

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Wednesday, February 13th:

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, by a 2/3 yea-and-nay vote of 387 yeas with none voting “nay”, Roll No. 61;

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, by a 2/3 yea-and-nay vote of 352 yeas to 49 nays, Roll No. 62;

Providing for the adoption of H. Res. 979 and for the adoption of H. Res. 980: The House agreed to 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, by a recorded vote of 223 ayes to 32 noes, with 1 voting “present”, Roll No. 60, after agreeing to order the previous question by voice vote.

Pursuant to the rule, H. Res. 979 and H. Res. 980 are adopted.

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, by a 2/3 yea-and-nay vote of 352 yeas to 49 nays, Roll No. 62;

Agreed by unanimous consent that the text of H.R. 1834, as proposed to be adopted under suspension of the rules, be modified by an amendment placed at the desk.

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, by a 2/3 yea-and-nay vote of 400 yeas with none voting “nay”, Roll No. 63—clearing the measure for the President;
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, by a 2/3 yea-and-nay vote of 403 yea with none voting “nay”, Roll No. 64; Pages H966

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, by a 2/3 yea-and-nay vote of 396 yea with none voting “nay”, Roll No. 65; Page H968

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, by a 2/3 yea-and-nay vote of 383 yea with none voting “nay”, Roll No. 66; Page H969

Supporting the goals and ideals of National Salute to Hospialized Veterans Week: H. Res. 963, to support the goals and ideals of National Salute to Hospitalized Veterans Week, by a 2/3 yea-and-nay vote of 384 yea with none voting “nay”, Roll No. 67; and Pages H969–70

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, by a 2/3 yea-and-nay vote of 389 yea with none voting “nay”, Roll No. 68. Pages H970–71

Point of Personal Privilege: Representative Lincoln Diaz-Balart rose to a point of personal privilege and was recognized. Pages H966–68

Senate Message: Message received from the Senate today appears on page H948.


Adjournment: The House met at 10:00 a.m. and adjourned at 10:30 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 Natural Resources Conservation Service. Testimony was heard from Mark E. Rey, Under Secretary, Natural Resources and Environment, USDA.

DEFENSE APPROPRIATIONS
Committee on Appropriations: Subcommittee on Defense held a hearing on Army Readiness. Testimony was heard from the following officials of the Department of the Army, Department of Defense, LT GEN James D. Thurman, USA, Deputy Chief of Staff, G3; LT GEN Stephen M. Speakes, USA, Deputy Chief of Staff, G8, and LT GEN Michael D. Rochelle, USA, Deputy Chief of Staff, G1.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS
Committee on Appropriations: Subcommittee on Energy and Waste Development, and Related Agencies held an overview hearing on Vehicle Technology and Gas Prices. Testimony was heard from public witnesses.

HOMELAND SECURITY APPROPRIATIONS
Committee on Appropriations: Subcommittee on Homeland Security held a hearing on Land Border Enforcement. Testimony was heard from the following officials of the U.S. Customs and Border Protection, Department of Homeland Security: W. Ralph Basham, Commissioner, Gregory Giddens, Executive Director, Secure Border Initiative; David Aguilar, Chief, U.S. Border Patrol; Michael Kostelnik, Assistant Commissioner, Air and Marine; Thomas Winkowski, Assistant Commissioner, Office of Field Operations; and public witnesses.

LABOR, HHS, AND EDUCATION APPROPRIATIONS
Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies held an overview hearing on Opportunities Lost and Costs to Society: the Social and Economic Burden of Disease, Injuries, and Disability. Testimony was heard from public witnesses.

MILITARY READINESS AND STRATEGIC POSTURE
Committee on Armed Services: Held a hearing on Implications for Our Strategic Posture. Testimony was heard from Sharon Pickup, Director, Defense Resources and Business Transformation Issues, GAO; and public witnesses.
PROVINCIAL RECONSTRUCTION TEAMS REFORM

Committee on Armed Services: Subcommittee on Oversight and Investigations held a hearing on Provincial Reconstruction Teams: A Case for Interagency National Security Reform? Testimony was heard from the following officials of the Department of Defense: Ryan Henry, Principal Deputy Under Secretary, Policy; and Barry Pavel, Principal Deputy Assistant Secretary, Special Operations and Low Intensity Conflict and Interdependent Capabilities; and the following officials of the Department of State: Stephen D. Mull, Acting Assistant Secretary, Bureau of Political-Military Affairs; and Michael E. Hess, Assistant Administrator, Democracy, Conflict, and Humanitarian Assistance Bureau, U.S. Agency for International Development.

BOND INSURANCE INDUSTRY

Committee on Financial Services: Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises held a hearing on the State of the Bond Insurance Industry. Testimony was heard from Eric R. Sirri, Director, Division of Trading and Markets, SEC; Patrick M. Parkinson, Deputy Director, Division of Research and Statistics, Board of Governors, Federal Reserve System; the following officials of the State of New York: Eliot Spitzer, Governor; and Eric R. Dinallo, Superintendent, Insurance Department; Thomas M. Leighton, Mayor, Wilkes-Barre, Pennsylvania; and public witnesses.

U.S. DEBT RECYCLING ASSISTANCE TO CAMBODIA

Committee on Foreign Affairs: Subcommittee on Asia, The Pacific and the Global Environment held a hearing on the State of the Bond Insurance Industry. Testimony was heard from Scot Marciel, Deputy Assistant Secretary, Bureau of East Asian and Pacific Affairs, Department of State; and W. Kirk Miller, Associate Administrator/General Sales Manager, Foreign Agriculture Service, USDA.

HOMELAND SECURITY INTELLIGENCE AND ANALYSIS

Committee on Homeland Security: Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment held a hearing entitled “Homeland Security Intelligence at a Crossroads: the Office of Intelligence and Analysis’ Vision for 2008.” Testimony was heard from Charles E. Allen, Under Secretary, Intelligence and Analysis, Department of Homeland Security.

STATE VIDEO TAX FAIRNESS ACT

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held a hearing on H.R. 3679, State Video Tax Fairness Act of 2007. Testimony was heard from public witnesses.

OVERSIGHT—JUSTICE DEPARTMENT’S OFFICE OF LEGAL COUNSEL

Committee on the Judiciary: Subcommittee on the Constitution, Civil Rights and Civil Liberties held an oversight hearing on the Justice Department’s Office of Legal Counsel. Testimony was heard from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, Department of Justice.

UNIQUE INDUSTRIES PROTECTIONS

Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property held a hearing on Design Law—Are Special Provisions Needed to Protect Unique Industries? Testimony was heard from Representative Delahunt; and public witnesses.

OVERSIGHT—INTERIOR DEPARTMENT BUDGET FISCAL YEAR 2009

Committee on Natural Resources: Held an oversight hearing on the President’s Fiscal Year 2009 Budget Request for the Department of the Interior. Testimony was heard from Dirk Kempthorne, Secretary of the Interior.

MEDICAID’S SYSTEMIC PROBLEMS

Committee on Oversight and Government Reform: Subcommittee on Domestic Policy held a hearing on One year later: Medicaid’s Response to Systemic Problems Revealed by the death of Deamonte Driver. Testimony was heard from public witnesses.

FEDERAL IT SECURITY

Committee on Oversight and Government Reform: Subcommittee on Information Policy, Census and National Archives and the Subcommittee on Government Management, Organization and Procurement held a joint hearing on Federal IT Security: A Review of H.R. 4791, Federal Agency Data Protection Act. Testimony was heard from Karen S. Evans, Administrator, OMB; Gregory C. Wilshusen, Director, GAO; and public witnesses.

DEFEATING AL QAEDA

Committee on Oversight and Government Reform: Subcommittee on National Security and Foreign Affairs continued hearings on Six Years Later (Part III): Innovative Approaches to Defeating Al Qaeda. Testimony was heard from COL Michael J. Meese, USA,
Professor and Head of the Social Sciences Department, U.S. Military Academy, West Point; and public witnesses.

**SCIENCE EDUCATION/RESEARCH BUDGET**

*Committee on Science and Technology:* Held a hearing on Funding for the America COMPETES Act in the Fiscal Year 2009 Administration Budget Request. Testimony was heard from James H. Marburger, III, Director, Office of Science and Technology Policy.

**BUSINESS ACTIVITY TAXES**

*Committee on Small Business:* Held a hearing entitled “Business Activity Taxes and their Impact on Small Businesses.” Testimony was heard from public witnesses.

**EPA BROWNFIELDS PROGRAM**

*Committee on Transportation and Infrastructure:* Subcommittee on Water Resources and Environment held a hearing on Revitalization of the Environmental Protection Agency’s Brownfields Program. Testimony was heard from Susan Parker Bodine, Assistant Administrator, Solid Waste and Emergency Response, EPA; and public witnesses.

**VA’S CLAIMS PROCESSING SYSTEM**

*Committee on Veterans’ Affairs:* Subcommittee on Disability Assistance and Memorial Affairs held a hearing on Examining the VA’s Claims Processing System. Testimony was heard from Daniel Bertoni, Director, Education, Workforce, and Income Security Issues, GAO; the following officials of the Department of Veterans Affairs: Michael Walcoff, Deputy Under Secretary, Benefits; Diana Rubens, Associate Deputy Under Secretary, Field Operations; and Bradley G. Mayes, Director, Compensation and Pension Service, both with the Veterans Benefits Administration; representatives of veterans organizations; and public witnesses.

**TRADE PREFERENCE EXTENSION ACT OF 2008; COMMITTEE’S VIEWS AND ESTIMATES**

*Committee on Ways and Means:* Ordered reported H.R. 5264, Trade Preference Extension Act of 2008. The Committee also approved Committee Budget Views and Estimates for Fiscal Year 2009 for submission to the Committee on the Budget.

**MEDICARE BUDGET FISCAL YEAR 2009**

*Committee on Ways and Means:* Subcommittee on Health held a hearing on the Medicare portions of the President’s fiscal year 2009 budget. Testimony was heard from Kerry Weems, Acting Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services.

**BRIEFING—OVERHEAD**

*Permanent Select Committee on Intelligence:* Met in executive session to receive a briefing on Overhead. The Committee was briefed by departmental witnesses.

**FIRE AND RAIN—HOW TROPICAL FORESTS’ DESTRUCTION IS FUELING CLIMATE CHANGE**

*Select Committee on Energy Independence and Global Warming:* Held a hearing entitled “Fire and Rain: How the Destruction of Tropical Forests is Fueling Climate Change.” Testimony was heard from public witnesses.

**NEW PUBLIC LAWS**

(For last listing of Public Laws, see DAILY DIGEST, p. D119)

H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits. Signed on February 13, 2008. (Public Law 110–185)

**COMMITTEE MEETINGS FOR FRIDAY, FEBRUARY 15, 2008**

(Committee meetings are open unless otherwise indicated)

- **Senate**
  
  No meetings/hearings scheduled.

- **House**
  
  *Committee on Armed Services,* Subcommittee on Military Personnel, hearing on the status of the implementation of the Army’s medical action plan and other services’ support for wounded service members, 10 a.m., 2212 Rayburn.
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