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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. HIRONO).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 5, 2007.

I hereby appoint the Honorable MASIE K. HIRONO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. WALZ) for 1 minute.

THE TREATMENT OF OUR VETERANS

Mr. WALZ of Minnesota. Madam Speaker, the failures of this administration are once again on display today. From the failure to plan for the wars in Iraq and Afghanistan, to plan for the aftermath of Hurricane Katrina, and now we face the unconscionable failure to plan for the care of our veterans at Walter Reed and other facilities across the country.

This administration's inability to plan, their total disregard of expert advice, and the President's stubborn refusal to even acknowledge the consequences of marching our country off to war all have led to our servicemembers living in substandard conditions after coming back and fighting for this country.

Some of my colleagues deflect this criticism by saying yes, that's true, but what is your plan? Our plan is to actually plan ahead. Most members of the military like myself and the VSOs that support them anticipated the need for added resources to support our veterans at a time of war. But the President continued year after year after year to cut funding resources to the VA. The cost of war must include the cost of caring for our warriors.

Now another avoidable crisis is upon us and I say and the country says, Enough is enough. The era of putting politics before the needs of our citizens comes to an end. The American public will not stand for one more day of this incompetence. Now is the time to act. This Congress must exhibit the leadership that will restore the American people's confidence in their government and provide the services to our wounded veterans.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 34 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SALAZAR) at 2 p.m.

PRAYER

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

Lord God, You are ultimately the beginning and the end. All time stands before You as ever-present. Be present to all the Members of Congress and all who work with them and beside them this day and this week.

May the daily decisions that Your people make be a sign to You, that acting with hearts set on what is right, seeking only lasting good for this Nation and for all peoples, they will prove themselves to be the faithful and free children of their heavenly Father.

May routine be transformed by Your spirit and so be filled with meaning. May the ordinary work of this institution, having consequences around the world, be undertaken by all as a mighty work, with fear of the Lord and give glory to Your Holy name both now and forever.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE 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.

Printed on recycled paper.

AMERICAN AID TO ''HAMAS'' UNIVERSITY

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

Mr. POE. Mr. Speaker, incompetence seems to be running loose in a couple of Federal foreign aid programs. The United States dumps millions of American dollars for programs all over the world. Some of these may be worthwhile, but I want to mention some that defy common sense.

According to the Washington Times, the United States has been giving millions of dollars to two Palestinian universities with links to the terrorist organization Hamas. The money is sent through the United States Agency for International Development and through a sister group called the American Near East Refugee Aid.

The Islamic University, which is controlled by Hamas, has received money for student scholarships and money to build a state-of-the-art facility. Al Quds University also got millions of dollars for scholarships for 2,000 students. This is the same university that held a week-long celebration honoring the founder of the suicide belt that kills Americans and innocents. So it seems the good ole U.S. taxpayer is paying for both sides of the war on terror.

No American money should be given to any university that preaches and teaches hate and terror.

And that's just the way it is.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken after 6:30 p.m. today.

INLAND EMPIRE AND CUCAMONGA VALLEY RECYCLING PROJECTS

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 122) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional recycling project and in the Cucamonga Valley Water District recycling project, as amended.

The Clerk read as follows:

H.R. 122

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

SECTION 1. INLAND EMPIRE AND CUCAMONGA VALLEY RECYCLING PROJECTS.

(a) SHORT TITLE.—This section may be cited as the ''Inland Empire Regional Water Recycling Initiative''.

(b) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

''SEC. 16___. INLAND EMPIRE REGIONAL WATER RECYCLING PROJECT.

''(a) IN GENERAL.—The Secretary, in cooperation with the Inland Empire Utilities Agency, may participate in the design, planning, and construction of the Inland Empire regional water recycling project described in the report submitted under section 1606(c).

''(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation and maintenance of the project described in subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.

''(e) SUNSET OF AUTHORITY.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section.

''SEC. 16___. CUCAMONGA VALLEY WATER RECYCLING PROJECT.

''(a) IN GENERAL.—The Secretary, in cooperation with the Cucamonga Valley Water District, may participate in the design, planning, and construction of the Cucamonga Valley Water District satellite recycling plants in Rancho Cucamonga, California, to reclaim and recycle approximately 2 million gallons per day of domestic wastewater.

''(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the capital cost of the project.

''(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation and maintenance of the project described in subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000.

''(e) SUNSET OF AUTHORITY.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section''.

(c) CONFORMING AMENDMENTS.—The table of sections in section 2 of Public Law 102–575 is amended by inserting after the last item the following:

''16____. Inland Empire Regional Water Recycling Program.

''16____. Cucamonga Valley Water Recycling Project.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

The purpose of H.R. 122, as amended, introduced by our colleague, Congressman DREIER of California, is to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional water recycling project and in the Cucamonga Valley Water District satellite recycling plant.

H.R. 122, as amended, would add approximately 100,000 acre-feet of new water annually to one of the largest recycled water distribution systems in the Santa Ana River Watershed. Some of the recycled water will be used to reclaim the groundwater basin and help drought-proof the service area. These water recycling plants will develop recycled water near where it will be used, offsetting the energy costs associated with pumping.

The Subcommittee on Water and Power held hearings on similar legislation in the 108th Congress. In the 109th Congress, similar legislation was passed by the House.

H.R. 122, as amended, will provide a very modest amount of Federal financial assistance to help in the construction of these worthy water recycling projects.

I urge my colleagues to support this bill.

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

Mr. BISHOP of Utah. Mr. Speaker, I rise to support H.R. 122, as amended, and yield myself such time as I may consume.

H.R. 122, sponsored by our colleague, DAVID DREIER, authorizes the Bureau of Reclamation to participate in two water recycling projects in Southern California that will allow the water districts there to be less reliant on imported water.

As the water demand grows and supplies become more scarce in Southern California, this bill would help to drought-proof this arid area. These projects would add over 75,000 acre-feet of water annually to one of the last recycled water distribution systems in the Santa Ana River Watershed. This legislation passed the House during the past two Congresses, and I urge my colleagues to support this noncontroversial bill.

Mr. Speaker, I would like to yield as much time as he may consume to the sponsor of this piece of legislation, the gentleman from California (Mr. DREIER).

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

Mr. DREIER. Mr. Speaker, I rise in strong support of this bill. As I was just told by a distinguished member of the committee staff, we hope that the third time is a charm here. We have been pursuing this for quite a while, and I hope very much that we will be able to see final implementation of this.

I would like to recognize the leadership again on both sides of the aisle; the Committee on Natural Resources, of course, Mr. BISHOP, who served with great distinction on the Committee on Rules. And I will say that we miss him upstairs in the Rules Committee. I especially miss the fact that we are no

longer in the majority up in the Rules Committee, but he is serving very ably now as an important member of the Natural Resources Committee and the Water and Power Subcommittee. And I want to thank, of course, on the majority side the distinguished chairman of the full committee, Mr. RAHALL, my very good friend from California (Mrs. NAPOLITANO) with whom I worked closely on this, and of course the ranking member on the subcommittee, CATHY MCMORRIS RODGERS, and of course the ranking member of the full committee, Mr. YOUNG.

I want to really underscore the great commitment and support that was provided in this effort by my California colleague, Mrs. NAPOLITANO, who was an original cosponsor of this bill and has long been a great champion for many, many years of regional water solutions. I am also very pleased to have had the continued support and cosponsorship of other Southern California colleagues in a bipartisan way, KEN CALVERT, GARY MILLER, and of course I am pleased to see that we have just been joined on the floor here by my good friend, who represents the Inland Empire, Mr. BACA. And I should say, Mr. Speaker, that I just signed one of those cosponsor sheets and turned it in at the desk that will now include Mr. BACA's name as one of the cosponsors of this important legislation.

As many of you will recall, this bill was passed, as I said, by the last Congress; but it was held up in the other body over issues that were much larger regarding overall reform of the Bureau of Reclamation's title 16 program. And I do share the concern that the program, while hugely popular, successful and competitive, is oversubscribed and underfunded. That being said, Mr. Speaker, the need to reform the program shouldn't hold back good projects like this one.

The Inland Empire Water Recycling Initiative authorizes $30 million for the Inland Empire Utilities Agency and the Cucamonga Valley Water District to assist in constructing two water recycling projects. The projects will produce nearly 100,000 acre-feet of new water annually to the area's water supply. This initiative has the support of all member agencies of the Inland Empire Utilities Agency, which encompasses 240 square miles in Southern California. It also serves a number of cities that I am very honored to be able to represent, the cities of Rancho Cucamonga, Upland and Montclair, some of the fastest growing cities in our Nation.

These water agencies are using high-quality recycled water in many water intensive applications like landscape and agricultural irrigation, construction and industrial cooling. This allows fresh water to be conserved or used for drinking, which reduces our dependence on expensive imported water. In addition, by recycling water which would otherwise be wasted and unavailable, these agencies ensure that we wring the last drop of use out of water before it is ultimately returned to the environment.

It is imperative that we continue to approve measures preventing water supply shortages in the western United States. And, Mr. Speaker, this recycling initiative will help meet the water needs of the Inland Empire and begin a strategic Federal-local partnership to bring a significant amount of new water supply to this very important region in Southern California. This project has already been recognized nationally as one of the most cost-effective water reuse projects that we have.

The Inland Empire Utility Agency and the Cucamonga Valley Water District are innovative leaders in using high-quality recycled water in environmentally sensitive and creative ways. This allows fresh water to be conserved for drinking, reducing our dependence on expensive imported water.

The hard work of these two local water agencies should be recognized.

Mr. Speaker, I want to specifically recognize the tireless efforts of Rich Atwater, the CEO of the Inland Empire Utilities Agency, and Robert DeLoach, the CEO of the Cucamonga Valley Water District.

I would also like to commend the boards of these agencies for their leadership in providing our region with safe, clean, and affordable water. And I will say, Mr. Speaker, that at a time when we are focusing constantly on the need to look at ways to recycle and focusing on the issue of environmentally sound planning for our future, meeting our needs, this measure is, again, a model that can be used for the rest of the country.

At this juncture, I would be happy to yield to my very good friend, with whom I am privileged to share representing part of the Inland Empire, Mr. BACA.

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

Mr. BACA. I appreciate the comments by Mr. DREIER. I appreciate his leadership on this important issue of water. It is critical to the Inland Empire. This is one that needs to be addressed, and he has constantly addressed the issues of water in the Inland Empire, not only now, but in the past. And I rise in support of H.R. 122, the Inland Empire recycling project.

And I appreciate Grace Napolitano's leadership in this endeavor because this is a bipartisan effort for the Inland Empire and its region in the area. This is not a Republican or a Democratic issue, but an issue that pertains to water and water that is important to a lot of us in that region and throughout the State of California.

This project is important for my district. And he not only mentioned his district that covers Upland and Rancho Cucamonga, but it is important for my district and across Southern California because it would help solve California's state-wide water shortage.

We all have been warned about global warming and the impact it is going to have in terms of the future and the possibility of the lack of water. Well, this addresses some of that. By recycling the water in our region, we will be able to increase the local water supply and reduce our dependence on imported water from San Francisco Bay delta area.

□ 1415

The Bureau of Reclamation has ranked this project as one of the most cost-effective new water supply projects in California; I state, the most effective, cost-effective water supply projects in California. And it is also endorsed by all cities, including Fontana and Ontario, as well as community groups and business groups, and environmental leader groups, and I state, environmental groups and leaders throughout the Inland Empire.

I rise to give my full support, and I urge my colleagues to do the same on this important issue on water that impacts not only the Inland Empire but the State of California, and I ask full support.

Mr. DREIER. Mr. Speaker, reclaiming my time, I thank my friend for his very able contribution.

Let me just say, Mr. Speaker, in closing that I think that this legislation underscores once again how the California congressional delegation continues, as it has in the past, to work in a bipartisan way addressing priority concerns that we have, whether it be transportation, dealing with the whole issue of base closure, dealing with the challenge of illegal immigration, dealing with this very important water resources issue, health care issues. California's delegation is working together in a bipartisan way to address them, and this legislation today is evidence of our great success at implementing the shared vision that we have for the constituents whom we are honored to represent in California. And I again thank both Democrats and Republicans on the Natural Resources Committee for their strong support of this important legislation.

And, again, as Mr. BACA said, I hope very much that the committee and others will utilize this very successful program as a model for future water recycling.

Mr. BISHOP of Utah. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 122, as amended.

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

A motion to reconsider was laid on the table.

SOUTHERN IDAHO BUREAU OF RECLAMATION REPAYMENT ACT OF 2007

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 467) to authorize early repayment of obligations to the Bureau of Reclamation within the A&B Irrigation District in the State of Idaho, as amended.

The Clerk read as follows:

H.R. 467

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 ''Southern Idaho Bureau of Reclamation Repayment Act of 2007''.

SEC. 2. EARLY REPAYMENT OF A&B IRRIGATION DISTRICT CONSTRUCTION COSTS.

(a) IN GENERAL.—Notwithstanding section 213 of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm), any landowner within the A&B Irrigation District in the State (referred to in this Act as the ''District'') may repay, at any time, the construction costs of District project facilities that are allocated to land of the landowner within the District.

(b) APPLICABILITY OF FULL-COST PRICING LIMITATIONS.—On discharge, in full, of the obligation for repayment of all construction costs described in subsection (a) that are allocated to all lands the landowner owns in the District in question, the parcels of land shall not be subject to the ownership and full-cost pricing limitations under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.), including the Reclamation Reform Act of 1982 (13 U.S.C. 390aa et seq.).

(c) CERTIFICATION.—On request of a landowner that has repaid, in full, the construction costs described in subsection (a), the Secretary of the Interior shall provide to the landowner a certificate described in section 213(b)(1) of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm(b)(1)).

(d) EFFECT.—Nothing in this Act—

(1) modifies any contractual rights under, or amends or reopens, the reclamation contract between the District and the United States; or

(2) modifies any rights, obligations, or relationships between the District and landowners in the District under Idaho State law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks.

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

There was no objection.

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

The purpose of H.R. 467, as amended, introduced by our colleague Congressman SIMPSON, is to authorize early repayment of landowner obligations to the Bureau of Reclamation within the A&B Irrigation District in southeastern Idaho.

The A&B Irrigation District receives part of its irrigation water supply from the Bureau of Reclamation's Minidoka Project. H.R. 467, as amended, will provide administrative consistency between the landowners within the A&B Irrigation District and those within other districts served by the Minidoka Project.

Mr. Speaker, this legislation simply allows landowners to pay off their financial obligations related to the Bureau of Reclamation's Minidoka project. We believe this legislation is appropriate and, in fact, may provide a slight financial benefit to the United States.

In the 109th Congress, the Subcommittee on Water and Power held a hearing on similar legislation. This legislation was subsequently passed by the House. We have no objection to this noncontroversial bill.

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

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 467. H.R. 467, sponsored by our colleague MIKE SIMPSON, allows for the early repayment of capital costs associated with a Federal water project in Idaho.

Under existing law, landowners who benefit from this water project cannot prepay the capital costs they owe to the Federal Government. But this bill gives the Bureau of Reclamation the ability to accept prepayment from these landowners. This legislation benefits the American taxpayer because it allows early revenue to flow into the U.S. Treasury and allows local landowners to reduce their debt.

I urge my colleagues to support this very good, commonsense bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 467, as amended.

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

A motion to reconsider was laid on the table.

PIEDRAS BLANCAS HISTORIC LIGHT STATION OUTSTANDING NATURAL AREA ACT OF 2007

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 276) to designate the Piedras Blancas Light Station and the surrounding public land as an Outstanding Natural Area to be administered as a part of the National Landscape Conservation System, and for other purposes.

The Clerk read as follows:

H.R. 276

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

SECTION 1. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the ''Piedras Blancas Historic Light Station Outstanding Natural Area Act of 2007''.

(b) DEFINITIONS.—For the purposes of this Act, the following definitions apply:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) LIGHT STATION.—The term ''Light Station'' means Piedras Blancas Light Station.

(3) PUBLIC LANDS.—The term ''public lands'' has the meaning stated in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1703(e)).

(4) OUTSTANDING NATURAL AREA.—The term ''Outstanding Natural Area'' means the Piedras Blancas Historic Light Station Outstanding Natural Area established pursuant to section 3.

SEC. 2. FINDINGS.

Congress finds as follows:

(1) The publicly owned Piedras Blancas Light Station has nationally recognized historical structures that should be preserved for present and future generations.

(2) The coastline adjacent to the Light Station is internationally recognized as having significant wildlife and marine habitat that provides critical information to research institutions throughout the world.

(3) The Light Station tells an important story about California's coastal prehistory and history in the context of the surrounding region and communities.

(4) The coastal area surrounding the Light Station was traditionally used by Indian people, including the Chumash and Salinan Indian tribes.

(5) The Light Station is historically associated with the nearby world-famous Hearst Castle (Hearst San Simeon State Historical Monument), now administered by the State of California.

(6) The Light Station represents a model partnership where future management can be successfully accomplished among the Federal Government, the State of California, San Luis Obispo County, local communities, and private groups.

(7) Piedras Blancas Historic Light Station Outstanding Natural Area would make a significant addition to the National Landscape Conservation System administered by the Department of the Interior's Bureau of Land Management.

(8) Statutory protection is needed for the Light Station and its surrounding Federal lands to ensure that it remains a part of our historic, cultural, and natural heritage and to be a source of inspiration for the people of the United States.

SEC. 3. DESIGNATION OF THE PIEDRAS BLANCAS HISTORIC LIGHT STATION OUTSTANDING NATURAL AREA.

(a) IN GENERAL.—In order to protect, conserve, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important historical, natural, cultural, scientific, educational, scenic, and recreational values of certain lands in and around the Piedras Blancas Light Station, in San Luis Obispo County, California, while allowing certain recreational and research activities to continue, there is established, subject to valid existing rights, the Piedras Blancas Historic Light Station Outstanding Natural Area.

(b) MAPS AND LEGAL DESCRIPTIONS.—The boundaries of the Outstanding Natural Area

as those shown on the map entitled ''Piedras Blancas Historic Light Station: Outstanding Natural Area'', dated May 5, 2004, which shall be on file and available for public inspection in the Office of the Director, Bureau of Land Management, United States Department of the Interior, and the State office of the Bureau of Land Management in the State of California.

(c) BASIS OF MANAGEMENT.—The Secretary shall manage the Outstanding Natural Area as part of the National Landscape Conservation System to protect the resources of the area, and shall allow only those uses that further the purposes for the establishment of the Outstanding Natural Area, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable laws.

(d) WITHDRAWAL.—Subject to valid existing rights, and in accordance with the existing withdrawal as set forth in Public Land Order 7501 (Oct. 12, 2001, Vol. 66, No. 198, Federal Register 52149), the Federal lands and interests in lands included within the Outstanding Natural Area are hereby withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the public land mining laws; and

(3) operation of the mineral leasing and geothermal leasing laws and the mineral materials laws.

SEC. 4. MANAGEMENT OF THE PIEDRAS BLANCAS HISTORIC LIGHT STATION OUTSTANDING NATURAL AREA.

(a) IN GENERAL.—The Secretary shall manage the Outstanding Natural Area in a manner that conserves, protects, and enhances the unique and nationally important historical, natural, cultural, scientific, educational, scenic, and recreational values of that area, including an emphasis on preserving and restoring the Light Station facilities, consistent with the requirements section 3(c).

(b) USES.—Subject to valid existing rights, the Secretary shall only allow such uses of the Outstanding Natural Area as the Secretary finds are likely to further the purposes for which the Outstanding Natural Area is established as set forth in section 3(a).

(c) MANAGEMENT PLAN.—Not later than 3 years after of the date of the enactment of this Act, the Secretary shall complete a comprehensive management plan consistent with the requirements of section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) to provide long-term management guidance for the public lands within the Outstanding Natural Area and fulfill the purposes for which it is established, as set forth in section 3(a). The management plan shall be developed in consultation with appropriate Federal, State, and local government agencies, with full public participation, and the contents shall include—

(1) provisions designed to ensure the protection of the resources and values described in section 3(a);

(2) objectives to restore the historic Light Station and ancillary buildings;

(3) an implementation plan for a continuing program of interpretation and public education about the Light Station and its importance to the surrounding community;

(4) a proposal for minimal administrative and public facilities to be developed or improved at a level compatible with achieving the resources objectives for the Outstanding Natural Area as described in subsection (a) and with other proposed management activities to accommodate visitors and researchers to the Outstanding Natural Area; and

(5) cultural resources management strategies for the Outstanding Natural Area, prepared in consultation with appropriate departments of the State of California, with emphasis on the preservation of the resources of the Outstanding Natural Area and the interpretive, education, and long-term scientific uses of the resources, giving priority to the enforcement of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.) and the National Historic Preservation Act (16 U.S.C. 470 et seq.) within the Outstanding Natural Area.

(d) COOPERATIVE AGREEMENTS.—In order to better implement the management plan and to continue the successful partnerships with the local communities and the Hearst San Simeon State Historical Monument, administered by the California Department of Parks and Recreation, the Secretary may enter into cooperative agreements with the appropriate Federal, State, and local agencies pursuant to section 307(b) of the Federal Land Management Policy and Management Act of 1976 (43 U.S.C. 1737(b)).

(e) RESEARCH ACTIVITIES.—In order to continue the successful partnership with research organizations and agencies and to assist in the development and implementation of the management plan, the Secretary may authorize within the Outstanding Natural Area appropriate research activities for the purposes identified in section 3(a) and pursuant to section 307(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737(a)).

(f) ACQUISITION.—State and privately held lands or interests in lands adjacent to the Outstanding Natural Area and identified as appropriate for acquisition in the management plan may be acquired by the Secretary as part of the Outstanding Natural Area only by—

(1) donation;

(2) exchange with a willing party; or

(3) purchase from a willing seller.

(g) ADDITIONS TO THE OUTSTANDING NATURAL AREA.—Any lands or interest in lands adjacent to the Outstanding Natural Area acquired by the United States after the date of the enactment of this Act shall be added to and administered as part of the Outstanding Natural Area.

(h) OVERFLIGHTS.—Nothing in this Act or the management plan shall be construed to—

(1) restrict or preclude overflights, including low level overflights, military, commercial, and general aviation overflights that can be seen or heard within the Outstanding Natural Area;

(2) restrict or preclude the designation or creation of new units of special use airspace or the establishment of military flight training routes over the Outstanding Natural Area; or

(3) modify regulations governing low-level overflights above the adjacent Monterey Bay National Marine Sanctuary.

(i) LAW ENFORCEMENT ACTIVITIES.—Nothing in this Act shall be construed to preclude or otherwise affect coastal border security operations or other law enforcement activities by the Coast Guard or other agencies within the Department of Homeland Security, the Department of Justice, or any other Federal, State, and local law enforcement agencies within the Outstanding Natural Area.

(j) NATIVE AMERICAN USES AND INTERESTS.—In recognition of the past use of the Outstanding Natural Area by Indians and Indian tribes for traditional cultural and religious purposes, the Secretary shall ensure access to the Outstanding Natural Area by Indians and Indian tribes for such traditional cultural and religious purposes. In implementing this section, the Secretary, upon the request of an Indian tribe or Indian religious community, shall temporarily close to the general public use of one or more specific portions of the Outstanding Natural Area in order to protect the privacy of traditional cultural and religious activities in such areas by the Indian tribe or Indian religious community. Any such closure shall be made to affect the smallest practicable area for the minimum period necessary for such purposes. Such access shall be consistent with the purpose and intent of Public Law 95–341 (42 U.S.C. 1996 et seq.; commonly referred to as the ''American Indian Religious Freedom Act'').

(k) NO BUFFER ZONES.—The designation of the Outstanding Natural Area is not intended to lead to the creation of protective perimeters or buffer zones around area. The fact that activities outside the Outstanding Natural Area and not consistent with the purposes of this Act can be seen or heard within the Outstanding Natural Area shall not, of itself, preclude such activities or uses up to the boundary of the Outstanding Natural Area.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend and include extraneous material related to this bill under consideration.

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

There was no objection.

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

The Piedras Blancas Light Station is one of only a handful of tall, seacoast lighthouses built on the West Coast. It is located in San Luis Obispo County in Southern California.

Completed in 1875, the lighthouse was manned by the Coast Guard until 1975, when it was automated. The Coast Guard transferred the lighthouse and the surrounding public land to the Bureau of Land Management in 2001. This area is not only historically significant, but it is also home to a population of gulls, cormorants and an elephant seal colony, numbering 10,000 animals.

H.R. 276, sponsored by my committee colleague Representative LOIS CAPPS, would establish the Piedras Blancas Historic Light Station Outstanding Natural Area to be managed by the Bureau of Land Management as part of the existing National Landscape Conservation System. This area would be managed by the BLM to conserve the significant historical and natural resources found there.

Mr. Speaker, Representative CAPPS has worked tirelessly on behalf of this legislation, and we commend her for her efforts. Identical legislation was approved by the House in the last Congress, and we urge our colleagues to support this measure once again.

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

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 276.

Last year the Republican majority was supportive of this measure, and this bill was passed in the House of Representatives. This year, we once again support this bill and commend Representative CAPPS for her work to recognize this historic site in her district.

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

Mr. GRIJALVA. Mr. Speaker, Representative CAPPS is traveling back from her district in California and could not be here on the floor. She has submitted a statement which we will be submitting for the RECORD today.

Mrs. CAPPS. Mr. Speaker, I rise in strong support of H.R. 276, the Piedras Blancas Historic Light Station Outstanding Natural Area Act.

First, I want to thank the chairman of the Natural Resources Committee, Mr. RAHALL, and chairman of the Subcommittee on National Parks, Forests and Public Lands, Mr. GRIJALVA, as well as the ranking members of the full Committee and Subcommittee for expediting the consideration of this legislation and for bringing H.R. 276 before us today. This bill was passed by the House of Representatives last year but was never acted on by the Senate.

H.R. 276 would designate the Piedras Blancas Historic Light Station—located in my congressional district—as an Outstanding Natural Area within the BLM's National Landscape Conservation System.

The Piedras Blancas Light Station is located on an 18-acre parcel of BLM administered land along the Pacific Coast in San Luis Obispo County. The property is adjacent to Pacific Coast Highway and the Hearst Castle State Historic Monument, and it looks over a pristine coastal area that includes the southern portion of the Monterey Bay National Marine Sanctuary and California Coastal National Monument. It is also nationally recognized as an important monitoring point for migrating whales, and is used by the U.S. Geological Survey, the National Marine Fisheries Service and a number of universities and colleges for marine wildlife and plant research.

The Light Station and the surrounding area are also important for tourism. For example, the national historic Light House—built in 1879—is a main destination focal point on the central coast, and the peninsula is very popular for viewing sea otters, elephant seals, and sea lions from shore. The elephant seal colony at Piedras Blancas attracts an estimated 400,000 visitors annually.

In 2001, BLM assumed ownership and management of the Light Station from the U.S. Coast Guard. Since then, BLM, State and local agencies, community stakeholders and conservation groups have developed a very successful partnership to preserve the Light Station.

Some of these partners include: the Piedras Blancas Light Station Association; California State Parks; San Luis Obispo County; the cities of Cambria and San Simeon; the California Coastal Conservancy and Coastal Commission; NOAA; and the Hearst Corporation.

As a result of their hard work, the site was re-opened to public tours in 2003—for the first time in 128 years. These partners continue to work together on a series of environmental education, historical restoration and resource protection programs; and, I'm confidant they will each support and showcase this national designation if enacted.

My legislation tracks the successful model of designating the Oregon Coast's Yaquina Head as an Outstanding Natural Area, which was signed into law in 1980. Yaquina Head was later included in the National Landscape Conservation System.

Like Yaquina Head, the addition of the Piedras Blancas Light Station to the NLCS would be an important step in protecting and preserving this valuable natural and historic resource. It will also focus attention on the restoration of the Light Station and surrounding area, specifically the three on-site National Register properties; and, it will serve as a means to increase public awareness of the Light Station's scientific, cultural and educational values.

Specifically, H.R. 276 stresses long-term conservation of the Light Station by requiring timely completion of a management plan. The management plan would be developed through a public process and include guidelines for restoration of the National Register of Historic Places buildings, including the Light House; public access; ecological and cultural resource management; and, fostering scientific study and research opportunities.

Mr. Speaker, the Piedras Blancas Light Station is a wonderful resource. It has the potential to serve as a model for future resource management, and therefore would be an appropriate addition to the BLM's National Landscape Conservation System.

Again, I would like to thank the Committee on Natural Resources for supporting this bill to designate Piedras Blancas Historic Light Station as an Outstanding Natural Area, and urge its immediate passage.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 276.

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

A motion to reconsider was laid on the table.

COLORADO NORTHERN FRONT RANGE MOUNTAIN BACKDROP PROTECTION STUDY ACT

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 903) to provide for a study of options for protecting the open space characteristics of certain lands in and adjacent to the Arapaho and Roosevelt National Forests in Colorado, and for other purposes.

The Clerk read as follows:

H.R. 903

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

SECTION 1. SHORT TITLE; FINDINGS; PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the ''Colorado Northern Front Range Mountain Backdrop Protection Study Act''.

(b) FINDINGS.—Congress finds the following:

(1) Rising dramatically from the Great Plains, the Front Range of the Rocky Mountains provides a scenic mountain backdrop to many communities in the Denver metropolitan area and elsewhere in Colorado. The portion of the range within and adjacent to the Arapaho and Roosevelt National Forests also includes a diverse array of wildlife habitats and provides many opportunities for outdoor recreation.

(2) The open space character of this mountain backdrop is an important esthetic and economic asset for adjoining communities, making them attractive locations for homes and businesses.

(3) Rapid population growth in the northern Front Range area of Colorado is increasing recreational use of the Arapaho and Roosevelt National Forests and is also placing increased pressure for development of other lands within and adjacent to that national forest.

(4) Efforts by local governments and other entities have provided important protection for portions of this mountain backdrop, especially in the northern Denver metropolitan area. However, some portions of the mountain backdrop in this part of Colorado remain unprotected and are at risk of losing their open space qualities.

(5) It is in the national interest for the Federal Government, in collaboration with local communities, to assist in identifying options for increasing the protection of the mountain backdrop in the northern Front Range area of Colorado.

(c) PURPOSE.—The purpose of this Act is to identify options that may be available to assist in maintaining the open space characteristics of lands that are part of the mountain backdrop of communities in the northern section of the Front Range area of Colorado.

SEC. 2. COLORADO NORTHERN FRONT RANGE MOUNTAIN BACKDROP STUDY.

(a) STUDY AND REPORT.—The Secretary of Agriculture, acting through the Chief of the Forest Service and in consultation with the State and local officials and agencies specified in subsection (c), shall review the lands within the study area and, not later than one year after the date of the enactment of this Act, shall report to such officials and to Congress regarding the following:

(1) The present ownership of such lands.

(2) Which undeveloped land may be at risk of development.

(3) Actions that could be taken by the United States, the State of Colorado or a political subdivision of such State, or any other parties to preserve the open and undeveloped character of such lands.

(b) DEFINITIONS.—For the purposes of this section, the following definitions apply:

(1) STUDY AREA.—The term ''study area'' means those lands in southern Boulder, northern Jefferson, and northern Gilpin Counties, Colorado, that are situated west of Colorado State Highway 93, south and east of Colorado State Highway 119, and north of Colorado State Highway 46, excluding lands within the city limits of the cities of Boulder or Golden, Colorado, as generally depicted on the map entitled ''Northern Front Range Mountain Backdrop Study Area'' dated April, 2006.

(2) UNDEVELOPED LAND.—The term ''undeveloped land'' means land that—

(A) is located within the study area;

(B) is free or primarily free of structures; and

(C) the development of which is likely to adversely affect the scenic, wildlife, or recreational value of the study area.

(c) CONSULTATIONS.—In implementing this Act, the Secretary shall consult with the following:

(1) The Colorado Department of Natural Resources.

(2) Colorado State Forest Service.

(3) Colorado State Conservation Board.

(4) Great Outdoors Colorado.

(5) The Boards of County Commissioners of Boulder, Jefferson, and Gilpin Counties, Colorado.

(d) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed as authorizing the Secretary of Agriculture to take any action that would affect the use of any lands not owned by the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

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

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

There was no objection.

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

Today I rise, Mr. Speaker, in strong support of H.R. 903, introduced by my colleague on the Natural Resources Committee, the gentleman from Colorado, Representative MARK UDALL.

This legislation would require the Forest Service to review lands in or adjacent to the Arapaho and Roosevelt National Forests and report to Congress on the present ownership of the lands, and which undeveloped lands may be at risk of development, as well as apprising Congress of appropriate actions that could be taken to preserve the open and undeveloped character of these lands.

Rapid population growth in the northern Front Range area of Colorado is spreading west from Denver, pushing homes and shopping centers up the valleys and along the highways. This development then spreads out along the ridges and mountaintops that make up this backdrop. New homes and businesses in the wildland urban interface also create new liabilities for first responders and a more complicated management framework for forest managers.

The result of these changes is the potential loss of many of the very qualities that attract new residents and contribute to the quality of life of the region. H.R. 903 is designed to help provide a better understanding of what steps might be done to lessen the risk.

Mr. Speaker, I want to commend and congratulate my colleague, Mr. UDALL, for his commitment and leadership on this matter. A hearing was held on a nearly identical measure last Congress, and the bill was approved by the Natural Resources Committee and passed the House by voice vote last September.

Mr. Speaker, we strongly support H.R. 903 and urge its adoption by the House today.

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

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 903.

Mr. Speaker, H.R. 903 would require the Forest Service to review non-Federal lands in or adjacent to the Arapaho-Roosevelt National Forest and recommend strategies to maintain open space. Republicans do not object to this legislation, but considering the current budget constraints on the Forest Service, we believe funds would be better used to tackle the enormous risk of catastrophic wildfire in Colorado. Currently, 42 percent of Colorado's forests are suffering from bark beetle infestation, which continues to spread and will likely kill thousands of acres of trees. These dead and dying trees pose extremely high wildfire risks to Colorado's forests. Surely funds would be better spent on removing dead and dying trees that pose a tremendous threat to homes and communities, watersheds and wildlife habitat.

Moreover, we believe that local and State governments should address open space and smart growth options rather than Federal Government agencies based here in Washington, D.C. While we commend Mr. UDALL's good intentions, we believe recommendations and solutions to these problems should come from the counties and the States, not from the Federal Government.

Mr. UDALL of Colorado. Madam Speaker, I rise in strong support of H.R. 903, the Colorado Northern Front Range Mountain Backdrop Protection Study bill.

It is identical to a measure that passed the House last year but on which the Senate did not complete action. I appreciate the actions of Chairman RAHALL, Ranking Member DON YOUNG, and the staff of the Natural Resources Committee for making it possible for the House to consider it today.

The bill is intended to help local communities identify ways to protect the Front Range Mountain Backdrop in the northern sections of the Denver-metro area, especially the region just west of what will soon be the Rocky Flats National Wildlife Refuge.

The Arapaho-Roosevelt National Forest includes much of the land in this backdrop area, but there are other lands as well.

Rising dramatically from the Great Plains, the Front Range of the Rocky Mountains provides a scenic mountain backdrop to many communities in the Denver metropolitan area and elsewhere in Colorado.

The portion of the range addressed in this bill also includes a diverse array of wildlife habitats and provides many opportunities for outdoor recreation.

Its open-space character is an important esthetic and economic asset for adjoining communities, making them attractive locations for homes and businesses.

But rapid population growth in the northern Front Range area of Colorado is increasing recreational use of the Arapaho-Roosevelt National Forest and is also placing increased pressure for development of other lands.

We can see this throughout Colorado and especially along the Front Range.

Homes and shopping centers are spreading up the valleys and along the highways. This development then spreads out along the ridges and mountain tops that make up the backdrop.

The result is potential loss of many of the very qualities that attract new residents.

This bill is designed to help provide a better understanding of what steps might be done to lessen that risk.

Already, local governments and other entities have provided important protection for portions of this mountain backdrop.

The bill acknowledges their good work and aims to assist further efforts along the same lines.

The bill does not interfere with the authority of local authorities regarding land use planning.

And it does not infringe on private property rights.

Instead, it will bring the land protection experience of the Forest Service to the table to assist local efforts to protect areas that comprise the backdrop.

Under the bill, the Forest Service will work in collaboration with local communities, the state, nonprofit groups, and other parties.

I think this is in the national interest.

The backdrop both beckoned settlers westward and was a daunting challenge to their progress. Their first exposure to the harshness and humbling majesty of the Rocky Mountain West helped define a region, and the pioneers' independent spirit and respect for nature still lives with us to this day.

We need to work to maintain the mountain backdrop as a cultural and natural heritage for ourselves and generations to come.

This bill is intended to assist in that effort, and I urge its approval.

Mr. BISHOP of Utah. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 903.

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

A motion to reconsider was laid on the table.

EXTENDING AUTHORIZATION FOR THE AMERICAN VETERANS DISABLED FOR LIFE MEMORIAL

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 995) to amend Public Law 106–348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

The Clerk read as follows:

H.R. 995

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

SECTION 1. EXTENSION OF AUTHORITY FOR ESTABLISHING DISABLED VETERANS MEMORIAL.

Public Law 106–348 is amended—

(1) in subsection (b)—

(A) by striking ''The establishment'' and inserting ''Except as provided in subsection (e), the establishment''; and

(B) by striking ''the Commemorative Works Act (40 U.S.C. 1001 et seq.)'' and inserting ''chapter 89 of title 40, United States Code'';

(2) in subsection (d)—

(A) by striking ''section 8(b) of the Commemorative Works Act (40 U.S.C. 1008(b))'' and inserting ''section 8906 of title 40, United States Code'';

(B) by striking ''or upon expiration of the authority for the memorial under section 10(b) of such Act (40 U.S.C. 1010(b)),''; and

(C) by striking ''section 8(b)(1) of such Act (40 U.S.C. 1008(b)(1)'' and inserting ''8906(b)(2) or (3) of such title''; and

(3) by adding at the end the following new subsection:

''(e) TERMINATION OF AUTHORITY.—Notwithstanding section 8903(e) of title 40, United States Code, the authority to establish a memorial under this section shall expire on October 24, 2015.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

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

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

There was no objection.

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

The 106th Congress authorized the Disabled Veterans Life Memorial Foundation to establish a memorial in Washington, D.C., to honor disabled veterans. The law specified that the memorial is to be established pursuant to the Commemorative Works Act. A memorial site located near the Rayburn House Office Building was identified, but the project is yet to advance due to security and traffic concerns raised by the Architect of the Capitol and the U.S. Capitol Police.

The foundation is in the process of negotiating a solution to that problem. However, the Commemorative Works Act specifies that the legislative authority for any memorial expires 7 years after the date of enactment, October of this year for this proposal. H.R. 995, sponsored by our colleague from Illinois, Representative PHIL HARE, amends the original authorization to extend authority to establish the memorial to October 24, 2015.

□ 1430

This extension will allow additional time to ensure an appropriate commemoration to our Nation's disabled veterans to whom we owe a tremendous obligation.

While Representative HARE is a new Member of this House, he is well acquainted with the sacrifices made by our Nation's veterans, both from his service in the Army Reserves and his more than 20 years as district director for our former colleague and advocate for veterans, Mr. Lane Evans. We congratulate Representative HARE for his work on behalf of this important legislation.

Mr. Speaker, I might add that, given the ongoing and recent scandal regarding the care and support of our current disabled veterans, this legislation, H.R. 995, is timely and appropriate to honor and remind us of the sacrifice of all veterans and those that are disabled as a consequence of their service to this country. This is an obligation that is owed to them. This memorial would be a fitting reminder that we have an ongoing obligation and responsibility to their care and comfort.

Mr. Speaker, we strongly support H.R. 995 and urge its adoption by the House today.

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

Mr. BISHOP of Utah. Mr. Speaker, I rise in support of H.R. 995 and yield myself such time as I may consume.

Mr. Speaker, H.R. 995 has been adequately explained by the majority and we support the extension to establish a memorial honoring our disabled veterans.

I note that the original law authorizing this memorial was authorized by our own war hero, Congressman SAM JOHNSON of Texas. Last year, Congressman Sue Kelly of New York introduced this extension bill, and I am happy to see that Congressman HARE is carrying on her legacy. I urge the adoption of the bill.

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

Mr. GRIJALVA. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. HARE), the sponsor of this legislation.

Mr. HARE. Mr. Speaker, I would like to thank my colleague for the very kind words.

Mr. Speaker, today I rise in support of H.R. 995, a bill to extend the authorization for the American Veterans Disabled for Life Memorial. I introduced H.R. 995 along with my colleague Congressman MARK KIRK to provide the time necessary to raise the private funds and navigate the approval process in order to bring this memorial to life in Washington, D.C. Without this bill, the charter for the memorial will expire in October of this year.

I would like to thank Chairman RAHALL for quickly moving this legislation through the Resources Committee; and Lois Pope, the Chair of the Disabled Veterans LIFE Memorial Foundation, who has worked tirelessly to establish this memorial since 1996. I also appreciate the efforts of Congressman KIRK and Congressman DENNIS MOORE to ensure the memorial is funded and dedicated by 2010, and all the other Members who have made this legislation a priority in the 110th Congress.

There are more than 3 million disabled veterans living today and millions of veterans from past and future conflicts who will be honored by this long overdue memorial.

It is my hope as a member of the Committee on Veterans' Affairs that this memorial will only be the beginning of our recognition of the incredible sacrifices of our veterans. This memorial cannot repay the sacrifice of our disabled veterans, but it will serve as a reminder of the debt that we owe to each and every one of them.

Transcending conflicts, service branches and generations, the American Veterans Disabled for Life Memorial will express America's lasting gratitude to the men and women whose lives were forever changed in service to our country.

Due to its proximity to the Capitol, the memorial will remain in the sight of America's lawmakers, serving as a constant reminder of the human cost of conflict and the sacrifices of our disabled veterans. The memorial will be a setting for school groups to learn about disabled veterans, the cost of freedom and the challenges faced by those with disabilities. Most importantly, it will be a place for disabled veterans to come and know they are recognized by a grateful Nation.

I am proud to be a freshman legislator in the 110th Congress because we are changing this country's priorities. In our recently passed continuing resolution, we increased veterans health care by over $3.6 billion, and we are taking swift action to hold those who are responsible for the inexcusable conditions at Walter Reed accountable.

Congress has a responsibility to plan for the long-term well-being and health of our troops, and I am committed to taking care of our veterans when they are in conflict and when they return home. This bill is a critical first step in honoring the sacrifices our military men and women have made and continue to make for our country.

Mr. Speaker, I urge my colleagues to pass H.R. 995 and join me and the other 28 cosponsors to ensure this memorial is built and dedicated as soon as possible.

Mr. KIRK. Madame Speaker, on February 12, I joined my colleague from Illinois, Mr. HARE, in introducing H.R. 995 to extend the authorization of the American Veterans Disabled for Life Memorial through 2015. This legislation will give the American Veterans Disabled for Life Foundation more time to raise the money needed to build this memorial just south of the Rayburn Building. I believe the time has come to recognize the sacrifices made by America's more than three million disabled veterans by building a memorial for them in here in Washington, D.C.

Last December President Bush signed into law a bill to transferring control of the land for the memorial from the District of Columbia to the National Park Service. Now the American Veterans Disabled for Life Memorial Foundation needs to raise approximately $65 million to cover the cost of construction. By passing H.R. 995 today, we will give the foundation time to raise this money.

Earlier this year I joined my colleague from Kansas, Mr. MOORE, in introducing legislation to authorize the minting of commemorative coins to help raise money for this cause. As we extend the authorization for the memorial today, I want to encourage my colleagues to join us in cosponsoring H.R. 634 to issue these coins. No federal funds will be used to build the disabled veterans memorial, but it is appropriate for Congress to do all it can to support and encourage its construction.

With more than three million disabled veterans in the United States today, it is fitting that a memorial to their sacrifice be erected in Washington, D.C. It is my hope that passing Mr. HARE's legislation will bring us closer to making the American Veterans Disabled for Life Memorial a reality.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 995.

The question was taken.

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

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

The yeas and nays were ordered.

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

LOWELL NATIONAL HISTORICAL PARK BOUNDARY ADJUSTMENT ACT

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 299) to adjust the boundary of Lowell National Historical Park, and for other purposes.

The Clerk read as follows:

H.R. 299

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 ''Lowell National Historical Park Boundary Adjustment Act''.

SEC. 2. AMENDMENTS.

The Act entitled ''An Act to provide for the establishment of the Lowell National Historical Park in the Commonwealth of Massachusetts, and for other purposes'' approved June 5, 1978 (Public Law 95–290; 92 Stat. 290; 16 U.S.C. 410cc et seq.) is amended as follows:

(1) In section 101(a), by adding a new paragraph after paragraph (2) as follows:

''(3) The boundaries of the park are modified to include five parcels of land identified on the map entitled 'Boundary Adjustment, Lowell National Historical Park,' numbered 475/81,424B and dated September 2004, and as delineated in section 202(a)(2)(G).''.

(2) In section 202(a)(2), by adding at the end the following new subparagraph:

''(G) The properties shown on the map identified in subsection (101)(a)(3) as follows:

''(i) 91 Pevey Street.

''(ii) The portion of 607 Middlesex Place.

''(iii) Eagle Court.

''(iv) The portion of 50 Payne Street.

''(v) 726 Broadway.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 299, introduced by my colleague from Massachusetts (Mr. MEEHAN), provides for a minor boundary adjustment to the Lowell National Historic Park. Lowell National Historic Park was established in 1978 to commemorate the City of Lowell's prominent role in the American Industrial Revolution.

H.R. 299 would authorize the Secretary of the Interior to acquire five small tracts of land totaling less than 1 acre. These tracts are necessary to complete development of the canalway, a linear park and walkway along Lowell's 5.6-mile historic power canal system.

These parcels provide the access points needed for the development, maintenance, and surveillance necessary to complete the historic canalway. While the total boundary adjustment is less than 1 acre, it would allow public access to at least 2 miles of this historic canalway.

I want to commend my colleague from Massachusetts (Mr. MEEHAN) for his efforts on behalf of Lowell National Historic Park. He has worked diligently to advance many partnership efforts such as this one, which would bring together Federal, State, and local resources to preserve and interpret the park.

Mr. Speaker, H.R. 299 is supported by the administration, the City of Lowell, and the Commonwealth of Massachusetts. Identical legislation was approved by the House last Congress, and we urge our colleagues to support this measure today.

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

Mr. BISHOP of Utah. Mr. Speaker, I rise in support of H.R. 299, and I yield myself such time as I may consume.

Mr. Speaker, the majority has adequately explained this bill, which passed the House in the 109th Congress and is supported by the administration. I urge adoption of this bill.

Mr. MEEHAN. Mr. Speaker, I want to thank the Gentleman from West Virginia (Mr. RAHALL) and the Gentleman from Arizona (Mr. GRIJALVA) for bringing this important bill to the floor.

This bill passed the House unanimously last December, and the other body was unable to take it up before the 109th Congress ended. I am hopeful that, given more time, this bill will work its way through the Senate and be signed into law by the President.

Mister speaker, my bill is simple but its impact cannot be overstated. This bill will authorize the Secretary of the Interior to acquire five small tracts of land totaling less than an acre and add them to the boundaries of the Lowell National Historical Park.

Adding these small tracts of land will allow the park to add more and safer access points, and allow the visiting public full access to the entire canal system.

The park was created in 1978, a product of the late Paul Tsongas and his vision for Lowell, Massachusetts. Paul knew that Lowell, as the cradle of America's Industrial Revolution, was worthy of preservation.

The park attracts three-quarters of a million visitors each year, and the ripple effect is significant.

Since the park has come into existence, Lowell has been named a Distinctive Destination City by the National Trust for Historic Preservation and an All American City by the National Civic League.

This bill will keep the progress at the Park rolling, by allowing the last two miles of Lowell's historic canal way to be accessed by the public.

I would like to thank Park Superintendent Michael Creasey, Assistant Superintendent Peter Aucella, and all the others that have worked on this project.

Their tireless efforts, and the effort of their staff, keep Lowell National Historical Park as one of the crown jewels of the national park system, and make the Mill City proud.

Mr. BISHOP of Utah. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 299.

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

A motion to reconsider was laid on the table.

DESIGNATING THE JIM WEAVER LOOP TRAIL AT WALDO LAKE IN WILLAMETTE NATIONAL FOREST

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 247) to designate a Forest Service trail at Waldo Lake in the Willamette National Forest in the State of Oregon as a national recreation trail in honor

of Jim Weaver, a former Member of the House of Representatives.

The Clerk read as follows:

H.R. 247

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

SECTION 1. DESIGNATION OF NATIONAL RECREATIONAL TRAIL, WILLAMETTE NATIONAL FOREST, OREGON, IN HONOR OF JIM WEAVER, A FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES.

(a) DESIGNATION.—Forest Service trail number 3590 in the Willamette National Forest in Lane County, Oregon, which is a 19.6 mile trail that begins and ends at North Waldo Campground and circumnavigates Waldo Lake, is hereby designated as a national recreation trail under section 4 of the National Trails System Act (16 U.S.C. 1243) and shall be known as the ''Jim Weaver Loop Trail''.

(b) INTERPRETIVE SIGN.—Using funds available for the Forest Service, the Secretary of Agriculture shall prepare, install, and maintain an appropriate sign at the trailhead of the Jim Weaver Loop Trail to indicate the name of the trail and to provide information regarding the life and career of Congressman Jim Weaver.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 247 was introduced by my colleague on the Natural Resources Committee, the gentleman from Oregon, Representative PETER DEFAZIO. This legislation designates an existing Forest Service trail in the Willamette National Forest in Oregon as a national recreation trail in honor of Jim Weaver, a former Member of the House of Representatives. This trail will be designated as the Jim Weaver Loop Trail. It forms a 19.6-mile loop around Waldo Lake.

Congressman Weaver served in this body from the 94th Congress through the 99th Congress and was a former subcommittee chairman of the Committee on Natural Resources. He was a strong advocate of conservation and public lands. The establishment of this trail around one of Oregon's largest and most beautiful lakes is a fitting tribute to our former colleague. Under this bill, an interpretive sign will be installed at the trail head to indicate the name of the trail and provide information on the life and career of our former colleague, Congressman Weaver.

This bill before us today is identical to a measure that was reported favorably by the Natural Resources Committee last year.

Mr. Speaker, we strongly support H.R. 247 and urge its adoption by the House today.

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

Mr. BISHOP of Utah. Mr. Speaker, I rise in support of H.R. 247 and yield myself 45 seconds.

Mr. Speaker, the majority has adequately explained this bill. We have no objections. It is a good bill.

Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, the gentleman from Oregon (Mr. DEFAZIO), the sponsor of H.R. 247, is at the moment traveling back to Washington, but he has a statement that will be submitted into the RECORD.

Mr. DEFAZIO. Mr. Speaker, I rise today in support of H.R. 247, a bill to rename Forest Service trail number 3590, which circumnavigates the world-renowned Waldo Lake, as the "Jim Weaver Loop Trail" in honor of former Congressman Jim Weaver. The legislation would also designate this 22 mile trail as a national recreational trail under the National Trails System Act. This legislation has special significance to me because Mr. Weaver was not only my predecessor as the representative of Oregon's Fourth Congressional District, but he was also my boss—both here in Washington, D.C. and back home in the district—and is a friend. I am pleased that the legislation is cosponsored and supported by all of Oregon's five House members. In addition, it is supported by the Forest Service and a number of local interest groups.

Jim Weaver has been an Oregonian for nearly sixty years. He represented the southwest portion of the state in the U.S. House of Representatives from 1975 to 1987. During his time in Congress, Mr. Weaver made natural resource conservation one of his signature pursuits. He was a tireless advocate for outdoor recreation, and the protection of some of Oregon's most treasured natural features.

He was the leading force responsible for the inclusion of new wilderness areas north of Waldo Lake in the Oregon Wilderness Act of 1984, and worked tirelessly with then Senator Hatfield to ensure that these lands received protection.

The 10 square mile Waldo Lake is considered ultraoligotrophic, meaning it's ranked as one of the purest bodies of water on Earth, and is comparable to distilled water. According to the Forest Service's Water Quality Report, two of the main reasons for its purity are the low levels of sedimentation and lack of development in the area, two characteristics which should be credited to Mr. Weaver's efforts.

Waldo Lake and the surrounding area, including the loop trail, is a popular recreation destination. Naming this trail for Mr. Weaver is a fitting tribute to the legacy of Congressman Weaver and his commitment to protecting Waldo Lake and the surrounding area.

This legislation gives long-overdue recognition to Congressman Weaver and forever associates his name with an area that he loves and worked hard to protect. I want to thank Chairman RAHALL and his Staff Director, Jim Zoia, and Ranking Member YOUNG for their efforts in dicharging the bill for today's floor action. I look forward to the Senate taking up the bill expeditiously, and I urge its adoption.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 247.

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

A motion to reconsider was laid on the table.

AUTHORIZING NATIONAL PARK SERVICE STUDY REGARDING THE SOLDIERS' MEMORIAL MILITARY MUSEUM

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1047) to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of designating the Soldiers' Memorial Military Museum located in St. Louis, Missouri, as a unit of the National Park System.

The Clerk read as follows:

H.R. 1047

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

SECTION 1. NATIONAL PARK SERVICE STUDY REGARDING THE SOLDIERS' MEMORIAL MILITARY MUSEUM.

(a) FINDINGS.—Congress finds as follows:

(1) The Soldiers' Memorial is a tribute to all veterans located in the greater St. Louis area, including Southern Illinois.

(2) The current annual budget for the memorial is $185,000 and is paid for exclusively by the City of St. Louis.

(3) In 1923, the City of St. Louis voted to spend $6,000,000 to purchase a memorial plaza and building dedicated to citizens of St. Louis who lost their lives in World War I.

(4) The purchase of the 7 block site exhausted the funds and no money remained to construct a monument.

(5) In 1933, Mayor Bernard F. Dickmann appealed to citizens and the city government to raise $1,000,000 to construct a memorial building and general improvement of the plaza area and the construction of Soldiers' Memorial began on October 21, 1935.

(6) On October 14, 1936, President Franklin D. Roosevelt officially dedicated the site.

(7) On Memorial Day in 1938, Mayor Dickmann opened the building to the public.

(b) STUDY.—The Secretary of the Interior shall carry out a study to determine the suitability and feasibility of designating the Soldiers' Memorial Military Museum, located at 1315 Chestnut, St. Louis, Missouri, as a unit of the National Park System.

(c) STUDY PROCESS AND COMPLETION.—Section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)) shall apply to the conduct and completion of the study required by this section.

(d) REPORT.—The Secretary shall submit a report describing the results the study required by this section to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 1047, introduced by my colleague from Missouri, Representative CLAY, directs the Secretary of the Interior to carry out a study to determine the suitability and feasibility of designating the Soldiers' Memorial Military Museum located in St. Louis, Missouri, as a unit of the National Park System.

Construction of the memorial and military museum began in 1935. The site was dedicated by President Franklin Roosevelt in 1936. On Memorial Day, 1938, the building officially opened to the public. The Soldiers' Memorial Building is a stately structure which, in addition to serving as a memorial to those who lost their lives in the service of their country, also contains exhibit rooms that house a collection of military items. The building has been found eligible for listing in the National Register of Historic Places. It is operated by the City of St. Louis and made available to the public free of charge.

I want to commend my colleague from Missouri, Representative CLAY, for his efforts to preserve this memorial and museum, which was built to honor those who gave their lives to this country.

Mr. Speaker, the House approved identical legislation in the 109th Congress. We strongly support H.R. 1047 and urge its adoption by the House today.

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

□ 1445

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the majority has adequately explained H.R. 1047, but I wish to note that while this legislation passed in the House in the 109th Congress, it is not supported by the administration because the memorial is not distinguished beyond that of many war memorials, and it is not known whether it meets the criteria of national significance.

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

Mr. GRIJALVA. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Mr. Speaker, I first want to thank my friend and colleague from Arizona for yielding.

Mr. Speaker, the American people are unanimous in supporting the courageous men and women serving in our Armed Forces. In recent days, we were appalled to learn that our veterans are not receiving high-quality health care. We have been sickened by some of the stories and images of the patients at Walter Reed Hospital who have been neglected and left untreated. And we are beginning to understand that this is a nationwide crisis. We are all somewhat ashamed that we have failed to provide to those who have given the most to keep our Nation free and secure.

With these recent events in mind, I want to address the legislation before us today. H.R. 1047 is a bill to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of designating the Soldiers' Memorial Military Museum in the city of St. Louis as a unit of the National Park System.

This memorial is a shining landmark to those brave men and women who gave their lives in World War I. Today, as much as any time in our history, the American people feel a very special connection to our military forces, and the citizens of our Nation have a real need to visit shrines that honor our wartime heroes.

The St. Louis Soldiers' Memorial is a valuable shrine where citizens can participate in the tradition of honoring our Nation's veterans. Initiated by the residents of St. Louis in the 1920s, after many years of fundraising, the land was acquired and the monument was constructed. On October 14, 1936, St. Louis Soldiers' Memorial Military Museum was officially dedicated by President Roosevelt. And St. Louis Soldiers' Memorial Military Museum also has a unique place in our Nation's history as it is the only structure in St. Louis that is known to have been dedicated by a sitting U.S. President.

The Soldiers' Monument is a national treasure, and it is recognized as an architectural masterpiece. Designed by one of the 20th century's foremost art deco sculptors, Mr. Walter Hancock, the entrance to the memorial is flanked by four limestone sculptures which symbolize the most important virtues in a soldier's life: courage, loyalty, sacrifice and vision. The ceiling of the monument is decorated with mosaic tiles in the shape of large gold stars that are dedicated to our Nation's Gold Star Mothers.

Today, the St. Louis Soldiers' Memorial is an important cultural resource and gathering place. It attracts about 48,000 visitors a year, and provides the setting for more than 20 ceremonies annually, including change-of-command and retirement ceremonies, and many other patriotic events hosted by veterans groups. It is also the center of an annual Veterans Day parade which is the largest of its kind in the Midwest, drawing participants from several States and hosting more than 100 marching units.

In recent years, the city of St. Louis has relied upon the support and contributions of active military personnel and veterans to enable it to maintain this cherished monument. We all want to honor the veterans and citizens of our Nation. We should have Federal monuments to help us all remember those family members and friends who have given their lives for us in combat.

It is the right time for the Federal Government to consider acquiring the St. Louis Soldiers' Memorial Military Museum in its inventory of national monuments. I believe that a study of the monument will show it is a historically important structure with a national significance.

H.R. 1047 is strongly supported by veterans groups and other civic organizations. I hope the Members of this body will endorse this important effort to create a Federal monument to honor our Nation's veterans. I urge my colleagues to support this legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 1047.

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

A motion to reconsider was laid on the table.

FIRST AND SECOND BATTLES OF NEWTONIA, MISSOURI, STUDY ACT

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 376) to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including the battlefields and related sites of the First and Second Battles of Newtonia, Missouri, during the Civil War as part of Wilson's Creek National Battlefield or designating the battlefields and related sites as a separate unit of the National Park System, and for other purposes.

The Clerk read as follows:

H.R. 376

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

SECTION 1. NATIONAL PARK SYSTEM SPECIAL RESOURCE STUDY, NEWTONIA CIVIL WAR BATTLEFIELDS, MISSOURI.

(a) SPECIAL RESOURCE STUDY.—The Secretary of the Interior shall conduct a special resource study relating to the First Battle of Newtonia in Newton County, Missouri, which occurred on September 30, 1862, and the Second Battle of Newtonia, which occurred on October 28, 1864, during the Missouri Expedition of Confederate General Sterling Price in September and October 1864.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the national significance of the Newtonia battlefields and their related sites;

(2) consider the findings and recommendations contained in the document entitled

''Vision Plan for Newtonia Battlefield Preservation'' and dated June 2004, which was prepared by the Newtonia Battlefields Protection Association;

(3) evaluate the suitability and feasibility of adding the battlefields and related sites as part of Wilson's Creek National Battlefield or designating the battlefields and related sites as a unit of the National Park System;

(4) analyze the potential impact that the inclusion of the battlefields and related sites as part of Wilson's Creek National Battlefield or their designation as a unit of the National Park System is likely to have on land within or bordering the battlefields and related sites that is privately owned at the time of the study is conducted;

(5) consider alternatives for preservation, protection, and interpretation of the battlefields and related sites by the National Park Service, other Federal, State, or local governmental entities, or private and nonprofit organizations; and

(6) identify cost estimates for any necessary acquisition, development, interpretation, operation, and maintenance associated with the alternatives referred to in paragraph (5).

(c) CRITERIA.—The criteria for the study of areas for potential inclusion in the National Park System contained in section 8 of Public Law 91–383 (16 U.S.C. 1a–5) shall apply to the study under subsection (a).

(d) TRANSMISSION TO CONGRESS.—Not later than three years after the date on which funds are first made available for the study under subsection (a), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any conclusions and recommendations of the Secretary.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

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

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

There was no objection.

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

I rise in strong support of H.R. 376, introduced by the gentleman from Missouri (Mr. BLUNT). This legislation would direct the National Park Service to conduct a study to determine how best to protect the sites related to the First and Second Battles of Newtonia, Missouri.

Two Civil War battles were waged near Newtonia which lies in Newton County, Missouri. The first, on September 30, 1862, involved 4,000 Confederate troops and 6,500 Union soldiers, and it is believed to be the only Civil War battle in which full American Indian units fought on both sides of the conflict.

The Second Battle of Newtonia occurred on October 28, 1864, and involved 1,500 Union cavalry engaging a Confederate Army returning from the unsuccessful Missouri and Kansas Campaign of Confederate General Sterling Price.

Mr. Speaker, I want to commend and congratulate my colleague, Mr. BLUNT, for this bill. A hearing was held on a nearly identical measure last Congress, and that bill eventually passed the House. We strongly support H.R. 376 and urge its adoption by the House today.

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

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 376 introduced by the distinguished minority whip, Representative ROY BLUNT of Missouri. It would authorize the Secretary of the Interior to conduct a special resource study to determine the suitability of designating the First and Second Battles of Newtonia, Missouri, as a part of Wilson's Creek National Battlefield or as a separate unit of the National Park System.

I support this bill. I commend the leadership and persistence of Mr. BLUNT on this issue.

Mr. Speaker, I wish to, at this time, yield to the sponsor of the bill, the minority whip, such time as he may consume, Mr. BLUNT of Missouri.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding, and thank the subcommittee chairman and the committee for bringing this bill to the floor.

The language we are discussing today is designed to authorize a study by the National Park Service to determine the feasibility of creating a new Civil War battlefield at Newtonia, Missouri, or bringing those battlefield lands under the management of the Wilson's Creek National Battlefield near Springfield and also near the Newtonia battlefield site.

This measure is a necessary first step to determine if this battlefield, as I believe it will, fits the criteria necessary for being preserved as part of the National Park System. I believe the study will find that the two Civil War battles at Newtonia, like the Manassas Battlefield south of where we are now, hold a unique place in American history and are worthy of protection in the National Park Service system.

Two important battles were fought at Newtonia during the Civil War, one in 1862, where large numbers of American Indian troops on the Confederate side and the Union side, actually fought each other in battle. It was the largest of the rare engagements where native Americans fought on both sides in the Civil War. My understanding is that this is the place where those troops actually fought each other.

Two years later, in 1864, the last battle of the Civil War west of the Mississippi was fought at Newtonia as Confederate forces withdrew from Missouri after their defeat at Westport. Tennessee, Missouri and Virginia had the most battles in the Civil War, and this was the final battle in our State.

This legislation has really been strongly supported by the local community, as has the idea of preserving this battlefield. The Newtonia Battlefields Protection Association has spearheaded preservation efforts at Newtonia. In 2002, the association acquired 11 acres of the battlefield, along with the Ritchey Mansion, which is on the National Register of Historic Places for around $300,000. A year later, I delivered a ceremonial check for about half of that from the American Battlefield Protection Program to reimburse the local group that had put this association together.

The National Park Service rated the 1864 battlefield as a Priority I for preservation and the 1862 site as a Priority II. These sites are largely similar. They overlap in some places, but they are right next to each other.

A review by the National Park Service found the 1964 battlefield faced a greater threat from development. The not-for-profit Newtonia Battlefields Protection Association was formed in 1994 to work on funding to preserve the battlefields. In addition, the National Park Service has provided archaeological and historical surveys and assessments of the battlefield.

I think this study will answer the questions that need to be answered before any further steps are taken. I am grateful to the committee for bringing this legislation to the floor today. If this study is agreed to by both bodies, it might even be funded in this year's appropriation process.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 376.

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

A motion to reconsider was laid on the table.

''COLUMBIA'' SPACE SHUTTLE MEMORIAL STUDY ACT

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 807) to direct the Secretary of the Interior to conduct a special resource study to determine the feasibility and suitability of establishing a memorial to the Space Shuttle *Columbia* in the State of Texas and for its inclusion as a unit of the National Park Service.

The Clerk read as follows:

H.R. 807

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 ''Columbia Space Shuttle Memorial Study Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) MEMORIAL.—The term ''memorial'' means a memorial to the Space Shuttle Columbia that is subject to the study in section 3(a).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 3. STUDY OF SUITABILITY AND FEASIBILITY OF ESTABLISHING MEMORIALS TO THE SPACE SHUTTLE COLUMBIA.

(a) IN GENERAL.—Not later than 3 years after the date on which funds are made available, the Secretary shall conduct a special resource study to determine the feasibility and suitability of establishing a memorial as a unit or units of the National Park System to the Space Shuttle Columbia on land in the State of Texas described in subsection (b) on which large debris from the Shuttle was recovered.

(b) DESCRIPTION OF LAND.—The parcels of land referred to in subsection (a) are—

(1) the parcel of land owned by the Fredonia Corporation, located at the southeast corner of the intersection of East Hospital Street and North Fredonia Street, Nacogdoches, Texas;

(2) the parcel of land owned by Temple Inland Inc., 10 acres of a 61-acre tract bounded by State Highway 83 and Bayou Bend Road, Hemphill, Texas;

(3) the parcel of land owned by the city of Lufkin, Texas, located at City Hall Park, 301 Charlton Street, Lufkin, Texas; and

(4) the parcel of land owned by San Augustine County, Texas, located at 1109 Oaklawn Street, San Augustine, Texas.

(c) ADDITIONAL SITES.—The Secretary may recommend to Congress additional sites in the State of Texas relating to the Space Shuttle Columbia for establishment as memorials to the Space Shuttle Columbia.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

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

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

There was no objection.

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

As we all remember, February 1, 2003, the Space Shuttle *Columbia* suffered a tragic failure during reentry into the Earth's atmosphere. As a result, seven crew members sadly lost their lives.

□ 1500

H.R. 807, introduced by Representative GOHMERT, would authorize a study to determine how best to protect four parcels of land in east Texas where large portions of the wreckage were recovered. In addition to specific sites identified in the bill, the Secretary of the Interior would be authorized to recommend additional sites to Congress.

Mr. Speaker, the Nation continues to mourn the loss of the *Columbia*. We support the passage of H.R. 807, an important step toward ensuring that the sacrifices made by her crew and their families will always be remembered. We commend the Congressman for introducing this legislation.

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

Mr. BISHOP of Utah. Mr. Speaker, it is my pleasure to yield as much time as he may consume to the author of this particular piece of legislation, the distinguished and debonair Congressman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I want to thank the gentleman from Arizona for his kindness and sensitivity in this issue, as well as the gentleman from Utah.

Mr. Speaker, I rise today to properly commemorate and memorialize one of this Nation's most heroic, yet heartbreaking, tragedies. The disintegration of the Space Shuttle *Columbia* as it reentered Earth's atmosphere in the spring of 2003 deserves such a memorialization.

This legislation will serve to begin the process of appropriately honoring the gallantry and sacrifice, not only of the seven brave souls of their crew and their families, but also the vast number of citizens who worked tirelessly in the recovery effort following the catastrophe. This bill will start that process that will ultimately result in appropriate memorialization of all the selfless and heroic efforts.

Tragically, parts of the shuttle were strewn over hundreds of miles of east Texas in my district, and the commitment of east Texans in the effort to recover as much of the wreckage as possible was pivotal in determining the cause of the incident in order to save future lives.

The ultimate sacrifice was made by Commander Rick Husband, Pilot William McCool, Payload Commander Michael Anderson, Mission Specialist David Brown, Mission Specialist Kalpana Chalwa, Payload Commander Ilan Ramon, and Mission Specialist and Medical Doctor Laurel Blair Salton Clark who was the wife of my Texas A&M classmate John Clark, who himself is also a patriot as a captain in the United States Navy. John and Laura also have a wonderful son. All of these American heroes deserve a memorial befitting their devotion to their fellow man, their spirit of exploration and discovery, as well as their courage.

In the days and weeks following the tragedy, countless east Texans volunteered to help and support the tireless Federal workers who were charged with locating the shuttle debris.

Volunteers gave selflessly of their time and their resources by participating in searches, opening their homes, preparing food and serving the many people taking part in the recovery effort in towns such as San Augustine, Nacogdoches, Lufkin, Hemphill, as well as most of east Texas itself. San Augustine City Manager Duke Lyons said at the time the volunteers provided 3,000 to 4,000 meals per day in his area alone and did all that they could to provide shelter and anything else that was needed.

The legendary hospitality of east Texas was on display as business owners donated supplies, building space and other assets to support the Forest Service, FEMA, National Guard, and other governmental entities taking part in the recovery. All told, east Texans spent countless weeks supporting the 10,000 people searching for the shuttle remains.

The efforts of these constituents are best summed up by three fellow east Texans.

Texas Ranger Pete Maskunas said, ''We got to see a small portion of east Texas pull together in a big way. The people here don't have much, but we gave everything that we had. We showed the Nation that, here in east Texas, we have got a big heart, and we are here to make things a lot better for people we don't even know.''

San Augustine County Judge Wayne Holt said, ''From the smallest child to the oldest man, if you needed somebody, they were there.''

Nacogdoches County Judge Sue Kennedy said, ''The generosity and unselfish, tireless efforts by the wonderful people of east Texas were so compelling and moving that even in 2007 we are being asked to teach seminars on how to mobilize an entire area in a sudden emergency.''

I urge my colleagues to vote ''yes'' on H.R. 807, the *Columbia* Space Shuttle Memorial Study Act, because those involved deserve it. Thank you again to the chairman, the gentleman from Arizona, and the ranking member.

Mr. BISHOP of Utah. The tragedy of the Space Shuttle *Columbia* has touched the hearts of all of us, and Mr. GOHMERT should be commended for his attention to this.

I urge adoption of the bill.

Ms. BORDALLO. Mr. Speaker, I rise today to join my colleagues in support of H.R. 807, the *Columbia* Space Shuttle Memorial Study Act, a bill which would direct the Secretary of the Interior to conduct a study on the feasibility and suitability of establishing a memorial to the Space Shuttle *Columbia* in Texas and including it within the National Park System. This legislation is an important step toward honoring the courage and contributions of the crew of STS–107 and toward continuing to heal as a nation four years after the tragedy of the loss of the Space Shuttle *Columbia*.

Just over four years ago, the Nation lost seven heroes, Michael Anderson, David Brown, Kalpana Chawla, Laurel Clark, Rick Husband, Willie McCool, and Ilan Ramon. They were mothers and fathers, wives and husbands, daughters and sons, teachers and friends. There is one characteristic, however, that unites them all. They are all heroes in the truest sense of the word. We draw our strength and resolve from the example they set and we remain committed to our Nation's space program in their honor and because of all they have taught us. Today, we have the opportunity to further memorialize their contributions to space exploration and their inspirational lives by taking steps toward creating a

permanent memorial to them and their service on behalf of our country in Texas.

Guam has a unique relationship with one of the crew members, Lieutenant Commander William C. McCool, who piloted the *Columbia* on that fateful day. Commander McCool lived in Guam while his father served as a Navy pilot and he attended Dededo Middle School and John F. Kennedy High School. He later married Lani Vallejos of Dededo, Guam. While America lost a hero, Guam lost a son in the aftermath of the *Columbia* tragedy. Commander McCool blessed our island and indeed our country with his passion, intellect, and purpose. The people of Guam are proud to call him one of our own and will always remember him as a role model for our children. The inspiration Commander McCool has been to our people is something that will not fade and that can never be taken away.

This memorial, as a part of the National Park System, will allow future generations to learn about the sacrifices the STS–107 crew made in the name of scientific advancements. It will be a testament to their courage and dedication to their colleagues and this Nation. I hope that the memorial will inspire all those who see it to believe in their dreams and their potential to achieve those dreams.

The foundation of this country is built on the hard work and dedication of people with novel and exciting ideas. The crew of the Space Shuttle *Columbia* embodied these American ideals and believed in the need for scientific advancement and space exploration. A national memorial to their lives and dreams will continue to inspire the spirit of Americans.

Let us always remember the courage and inspiration of the seven crewmembers of the Space Shuttle *Columbia*. This memorial, situated in the state where they dedicated their careers to space exploration, will be a testament to their lives and their legacy. I thank my colleague, Mr. GOHMERT, for sponsoring this important legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 807.

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

A motion to reconsider was laid on the table.

BRIGADIER GENERAL FRANCIS MARION MEMORIAL ACT OF 2007

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 497) to authorize the Marion Park Project, a committee of the Palmetto Conservation Foundation, to establish a commemorative work on Federal land in the District of Columbia, and its environs to honor Brigadier General Francis Marion.

The Clerk read as follows:

H.R. 497

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 ''Brigadier General Francis Marion Memorial Act of 2007''.

SEC. 2. COMMEMORATIVE WORK TO HONOR BRIGADIER GENERAL FRANCIS MARION AND HIS FAMILY.

(a) FINDINGS.—The Congress finds that:

(1) Francis Marion was born in 1732 in St. John's Parish, Berkeley County, South Carolina. He married Mary Esther Videau on April 20th, 1786. Francis and Mary Esther Marion had no children, but raised a son of a relative as their own, and gave the child Francis Marion's name.

(2) Brigadier General Marion commanded the Williamsburg Militia Revolutionary force in South Carolina and was instrumental in delaying the advance of British forces by leading his troops in disrupting supply lines.

(3) Brigadier General Marion's tactics, which were unheard of in rules of warfare at the time, included lightning raids on British convoys, after which he and his forces would retreat into the swamps to avoid capture. British Lieutenant Colonel Tarleton stated that ''as for this damned old swamp fox, the devil himself could not catch him.'' Thus, the legend of the ''Swamp Fox'' was born.

(4) His victory at the Battle of Eutaw Springs in September of 1781 was officially recognized by Congress.

(5) Brigadier General Marion's troops are believed to be the first racially integrated force fighting for the United States, as his band was a mix of Whites, Blacks, both free and slave, and Native Americans.

(6) As a statesman, he represented his parish in the South Carolina senate as well as his State at the Constitutional Convention.

(7) Although the Congress has authorized the establishment of commemorative works on Federal lands in the District of Columbia honoring such celebrated Americans as George Washington, Thomas Jefferson, and Abraham Lincoln, the National Capital has no comparable memorial to Brigadier General Francis Marion for his bravery and leadership during the Revolutionary War, without which the United States would not exist.

(8) Brigadier General Marion's legacy must live on. Since 1878, United States Reservation 18 has been officially referred to as Marion Park. Located between 4th and 6th Streets, S.E., at the intersection of E Street and South Carolina Avenue, S.E., in Washington, DC, the park lacks a formal commemoration to this South Carolina hero who was important to the initiation of the Nation's heritage.

(9) The time has come to correct this oversight so that future generations of Americans will know and understand the preeminent historical and lasting significance to the Nation of Brigadier General Marion's contributions. Such a South Carolina hero deserves to be given the proper recognition.

(b) AUTHORITY TO ESTABLISH COMMEMORATIVE WORK.—The Marion Park Project, a committee of the Palmetto Conservation Foundation, may establish a commemorative work on Federal land in the District of Columbia and its environs to honor Brigadier General Francis Marion and his service.

(c) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The commemorative work authorized by subsection (b) shall be established in accordance with chapter 89 of title 40, United States Code (commonly known as the ''Commemorative Works Act'').

(d) USE OF FEDERAL FUNDS PROHIBITED.—Federal funds may not be used to pay any expense of the establishment of the commemorative work authorized by subsection (b). The Marion Park Project, a committee of the Palmetto Conservation Foundation, shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of that commemorative work.

(e) DEPOSIT OF EXCESS FUNDS.—If, upon payment of all expenses of the establishment of the commemorative work authorized by subsection (b) (including the maintenance and preservation amount provided for in section 8906(b) of title 40, United States Code), or upon expiration of the authority for the commemorative work under chapter 89 of title 40, United States Code, there remains a balance of funds received for the establishment of that commemorative work, the Marion Park Project, a committee of the Palmetto Conservation Foundation, shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8906(b)(1) of such title.

(f) DEFINITIONS.—For the purposes of this section, the terms ''commemorative work'' and ''the District of Columbia and its environs'' have the meanings given to such terms in section 8902(a) of title 40, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, Brigadier General Francis Marion commanded the Williamsburg Militia Revolutionary Force in South Carolina during the Revolutionary War.

He is distinguished for his innovative warfare techniques, his pivotal victory at Eutaw Springs in September 1781, and for his commanding the first racially integrated troop force. General Marion is perhaps even better known by the nickname given to him by an exasperated British commander, the Swamp Fox.

H.R. 497, introduced by Representative JOE WILSON, would authorize a private entity, the Marion Park Project, to establish a commemorative work in Washington, D.C., to honor General Marion. The memorial is to be established pursuant to the Commemorative Works Act and is to be privately funded.

Mr. Speaker, the House approved identical legislation in the last Congress, and we strongly support H.R. 497 today.

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

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume, and I rise to support H.R. 497.

H.R. 497, introduced by Congressman JOE WILSON of South Carolina, would

authorize the Marion Park Project to establish a commemorative work on Federal land in the District of Columbia to honor Brigadier General Francis Marion.

The work authorized by this legislation will be completed with private funds provided by the Marion Park Project and not by the Federal Government. Congressman JOE WILSON and Congressman HENRY BROWN should be commended for sending us such an outstanding bill.

I urge my colleagues to support H.R. 497.

Mr. Speaker, I am pleased to yield as much time as he may consume for this wonderful project honoring General Francis Marion, better known as the Swamp Fox in the Revolutionary War, to the distinguished gentleman from South Carolina (Mr. BROWN).

Mr. BROWN of South Carolina. I certainly thank my good friend for yielding.

Mr. Speaker, H.R. 497 is an important bill for my constituents in South Carolina's First Congressional District. I thank my colleague and friend Congressman Joe Wilson for introducing this important piece of legislation.

General Francis Marion is an important part of the history of South Carolina, and the national forest bearing his name is located within my congressional district.

Francis Marion commanded the only Revolutionary force in South Carolina and was instrumental in delaying the advance of British forces by leading his troops in disrupting supply lines. General Marion's tactics, which were unheard of in rules of war at this time, commanded lightning raids on British convoys, and then he and his forces would retreat into the swamps to avoid capture.

British General Tarleton stated that ''as for this damned old swamp fox, the devil himself could not catch him.'' Thus, the legend of the Swamp Fox was born. His victory at the Battle of Eutaw Springs in September of 1781 was officially recognized by Congress.

H.R. 497 seeks to authorize the Marion Park Project and the committee of the Palmetto Conservation Foundation to establish a statue of General Francis Marion on Federal lands in D.C. in Marion Park at no Federal Government expense.

I was proud to work with Natural Resources Chairman NICK RAHALL and Ranking Republican DON YOUNG to assist in the passage of this bill for my constituents of South Carolina's First Congressional District and for all of South Carolina, and I urge my colleagues to support H.R. 497.

Mr. GRIJALVA. Mr. Speaker, I reserve my time.

Mr. BISHOP of Utah. Mr. Speaker, anything that deals with some place called Eutaw Springs in South Carolina has to be a good project. I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, let me thank Congressman WILSON for this legislation, Mr. BROWN as well, Mr. CLYBURN, Mr. SPRATT and Mr. BARRETT from South Carolina for introducing the bill that we have just finished.

I also want to, before I yield back, thank the gentleman from Utah, the ranking member, for assisting in bringing the pieces of legislation we had today forward.

Mr. WILSON of South Carolina. Mr. Speaker, I am pleased we are today considering the "Brigadier General Francis Marion Memorial Act". It is with the support of the entire South Carolina delegation that I reintroduced this legislation in January.

Brigadier General Francis Marion well represented the State of South Carolina and our fledgling Nation with his brave service in the Revolutionary War. As a South Carolinian, I am proud his legacy has been honored with a memorial park in Washington, DC. Yet, I feel strongly that a statue of the "Swamp Fox" should be erected on its premises. Passage of this bill is a crucial first step in making this dream a reality.

I would specifically like to thank Ken Driggers and Nancy Stone-Collum of the Palmetto Conservation Foundation. Additionally, I would like to thank the South Carolina Humanities Council for supporting John McCabe, the historian who originally had the vision to honor the "Swamp Fox." John created the Francis Marion Park Project to assist with fundraising and planning once this bill is enacted. The National Park Service also deserves recognition for their guidance through this important process.

The House of Representatives originally passed this bill in the 109th Congress, yet it failed to be considered by the Senate. It is my hope we can enact this legislation during the 110th Congress and erect a memorial befitting General Marion.

Today I was presented a copy of The South Carolina Encyclopedia, edited by the noted historian Walter Edgar. The book is a project of The Humanities Council, ably led by Director Randy Akers. Presenting the book was Bob Hazel of West Columbia who is former Council Board Chair who was elected to the board of the Federation of State Humanities Councils. South Carolina was the site of more battles and skirmishes than any other province during the American Revolution.

General Francis Marion is a significant entry in the encyclopedia with highlights beginning on page 591:

Marion, Francis (1732–1792). Soldier. Marion, of Huguenot descent, was born in St. John's Berkley Parish, the youngest of six children born to Gabriel Marion and Esther Cordes. A planter, Marion in 1773 built his home, Pond Bluff, about four miles south of Eutaw Springs, a site now beneath the waters of Lake Marion. He commenced his military career in the parish militia in 1756 and joined the campaigns against the Cherokees (1759–1761), rising to the rank of first lieutenant. Having served in local offices, he was elected in 1775 to the First Provincial Congress. Commissioned a captain in the state's Second Regiment in June, he participated in the capture of Fort Johnson in September. As a major, Marion distinguished himself at the Battle of Sullivan's Island (June 1776), after which he was commissioned a lieutenant colonel in the Continental army.

With a militia commission as a brigadier general, Marion organized a partisan force in the Pee Dee region. Between August and December 1780, in an otherwise dismal period for America, Marion gained national recognition for his actions at the Great Savannah (August 20), Blue Savannah (September 4), Black Mingo (September 29), Tearcoat Swamp (October 26), Georgetown (November 15), and Halfway Swamp (December 12–13). While some counts place the number of ''Marion's Men'' at more than two thousand, his band generally consisted of considerably fewer than that and included Continentals. Marion's nickname, the ''Swamp Fox,'' reportedly came from the infamous British officer Banastre Tarleton, who, unable to snare Marion, called him a ''damned old fox'' and swore that ''the devil himself could not catch him.''

Marion's small-scale hit-and-run tactics disrupted supply lines, intercepted communications, and hampered the enemy considerably. In December 1780 he established a camp on Snow's Island between Pee Dee and Lynches Rivers and Clark's Creek. Conditions improved by the spring of 1781, when Marion became a vital part of General Nathanael Greene's combined operations in South Carolina. In 1781 Marion's troops participated in the battles at Fort Watson (April 23), Fort Motte (May 12), Quinby Bridge (July 17), Parker's Ferry (August 13) and Eutaw Springs (September 8).

After a penniless Marion, whose plantation had been ruined, was awarded a gold medal, a full Continental colonelcy, and command of Fort Johnson in Charleston harbor. He served in the S.C. Senate in 1783–1786, 1791, and 1792–1794 and was elected to the 1790 state constitutional convention.

I urge my colleagues to support H.R. 497.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 497.

The question was taken.

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

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

The yeas and nays were ordered.

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

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 12 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WELCH of Vermont) at 6 o'clock and 30 minutes p.m.

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.R. 995, by the yeas and nays;

H.R. 497, by the yeas and nays.

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

EXTENDING AUTHORIZATION FOR THE AMERICAN VETERANS DISABLED FOR LIFE MEMORIAL

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 995.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 995, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 390, nays 0, not voting 43, as follows:

[Roll No. 119]

YEAS—390

Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Ellison
Ellsworth
Emanuel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Latham
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—43

Abercrombie
Ackerman
Barton (TX)
Bono
Brady (PA)
Brown, Corrine
Butterfield
Cummings
Davis (IL)
Davis, Jo Ann
DeGette
Diaz-Balart, L.
Edwards
Emerson
Engel
Fattah
Goode
Graves
Hunter
Issa
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kilpatrick
Lantos
Larson (CT)
LaTourette
Meehan
Meek (FL)
Meeks (NY)
Miller (NC)
Moran (VA)
Murtha
Myrick
Neal (MA)
Peterson (PA)
Rush
Slaughter
Stark
Tauscher
Tiahrt
Towns
Waters

□ 1901

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.

BRIGADIER GENERAL FRANCIS MARION MEMORIAL ACT OF 2007

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 497.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 497, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 390, nays 0, not voting 43, as follows:

[Roll No. 120]

YEAS—390

Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Ellison
Ellsworth
Emanuel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Latham
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)

Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—43

Abercrombie
Ackerman
Barton (TX)
Bono
Brady (PA)
Brown, Corrine
Butterfield
Cummings
Davis (IL)
Davis, Jo Ann
DeGette
Diaz-Balart, L.
Edwards
Emerson
Engel
Fattah
Goode
Graves
Hunter
Issa
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kilpatrick
Lantos
Larson (CT)
LaTourette
Meek (FL)
Meeks (NY)
Miller (NC)
Moran (VA)
Murtha
Myrick
Neal (MA)
Peterson (PA)
Rush
Slaughter
Stark
Tauscher
Tiahrt
Towns
Waters
Westmoreland

□ 1912

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.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, I regret that I could not be present today, Monday, March 5, 2007 to vote on rollcall vote Nos. 119 and 120 due to a family medical matter.

Had I been present, I would have voted:

"Yea" on rollcall vote No. 119 on motion to suspend the rules and pass H.R. 995, a bill to amend Public Law 106–348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States;

"yea" on rollcall vote No. 120 on passage of H.R. 497, the Brigadier General Francis Marion Memorial Act of 2007.

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, due to official business I was unable to vote on Monday, March 5, 2007. Had I been present, I would have voted "yea" on Final Passage of H.R. 995, To Amend Public Law 106–348 to Extend the Authorization for Establishing a Memorial in the District of Columbia or Its Environs to Honor Veterans Who Became Disabled While Serving in the Armed Forces of the United States, and "yea" on Final Passage on H.R. 497, the Brigadier General Francis Marion Memorial Act of 2007.

REPORT ON RESOLUTION PROVIDING FOR EXPENSES OF CERTAIN COMMITTEES OF HOUSE OF REPRESENTATIVES IN 110TH CONGRESS

Ms. MILLENDER-MCDONALD, from the Committee on House Administration, submitted a privileged report (Rept. No. 110–29) on the resolution (H. Res. 202) providing for the expenses of certain committees of the House of Representatives in the One Hundred Tenth Congress, which was referred to the House Calendar and ordered to be printed.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 700, HEALTHY COMMUNITIES WATER SUPPLY ACT; H.R. 569, WATER QUALITY INVESTMENT ACT; AND H.R. 720, WATER QUALITY FINANCING ACT OF 2007

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

Mr. HASTINGS of Florida. Mr. Speaker, the Rules Committee intends to meet Tuesday, March 6, to report rules for floor consideration of H.R. 569, the Water Quality Investment Act; and H.R. 700, the Healthy Communities Water Supply Act. It is anticipated that the rules will require that amendments be preprinted in the CONGRESSIONAL RECORD prior to their consideration.

Members who wish to offer an amendment must preprint their amendments in the CONGRESSIONAL RECORD by the close of business Tuesday, March 6, to ensure that their amendments are printed prior to consideration of the bill on the House floor.

Amendments should be drafted to the text of H.R. 569 or H.R. 700 as reported by the Transportation and Infrastructure Committee. The bills are posted on the Rules Committee Web site. Amendments should be drafted by Legislative Counsel and also should be reviewed by the Office of the Parliamentarian to be sure that amendments comply with the rules of the House. Members are also strongly encouraged to submit their amendments to the Congressional Budget Office for analysis regarding possible PAYGO violations.

In addition, Mr. Speaker, the Rules Committee intends to meet this week to report a rule that could limit the amendment process on H.R. 720, the Water Quality Financing Act of 2007.

Members who wish to offer an amendment to this bill should submit 55 copies of the amendment and a brief description of the amendment to the Rules Committee in H–312 in the Capitol no later than 12 noon on Wednesday, March 7.

Amendments must be drafted to the bill as ordered reported on March 1 by the Committee on Transportation and Infrastructure. A copy of that bill will be posted on the Web site of the Rules Committee. Amendments should be drafted by Legislative Counsel and also should be reviewed by the Office of the Parliamentarian to be sure that amendments comply with the rules of the House. Members are also strongly encouraged to submit their amendments to the Congressional Budget Office for analysis regarding possible PAYGO violations.

□ 1915

TEXAS INDEPENDENCE DAY

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

Mr. GENE GREEN of Texas. Mr. Speaker, last Friday, March 2, 2007, marked Texas Independence Day. 171 years ago that day the Texas Declaration of Independence was ratified by the Convention of 1836 at Washington-on-the-Brazos in Texas.

The Texas Declaration of Independence was produced literally overnight. Its urgency was paramount because while it was being prepared, the Alamo in San Antonio was under siege by Santa Anna's army of Mexico.

Immediately upon the assemblage of the Convention of 1836 on March 1, a committee of five delegates were appointed to draft the document. The committee consisted of George C. Childress, Edward Conrad, James Gaines, Bailey Hardeman, and Colin McKinney. It was briefly reviewed then adopted by the delegates the following day.

It started off echoing the lines of the American counterpart with the words: "When a government has ceased to protect the lives and liberty and property of the people . . . "

It spoke of numerous injustices inflicted upon the people of the State,

then known as Coahuila y Tejas: the elimination of the State's legislative body; the denial of religious freedom; the elimination of the civil justice system; and the confiscation of firearms, which was one particularly intolerable act among Texans.

Finally, it stated that because of the injustice of Santa Anna's tyrannical government, Texans were severing their connection with the Mexican nation and declaring themselves "a free, sovereign, and independent republic . . . fully invested with all the rights and attributes" that belong to independent nations; and a declaration that they "fearlessly and confidently" committed their decision to "the Supreme Arbiter of the destinies of nations."

Mr. Speaker, I hope that Congress and this whole country join all Texans in honoring these brave men who stood up for liberty and freedom 171 years ago.

MORROW COUNTY ROADS AND ACCESS TO PUBLIC LANDS

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

Mr. WALDEN of Oregon. Mr. Speaker, the failure of Congress to reauthorize the Secure Rural Schools and Community Self-Determination Act is a breach of faith to more than 600 forested counties and 4,400 school districts across our great country.

There are more than 400 miles of paved road in Morrow County, Oregon, where every county road leads to a national forest. Loss of this program and funds means no portion of any paved road will be replaced and basic maintenance will stop. One of the most expensive roads for the county to maintain runs through the Umatilla National Forest and is a designated scenic byway.

Without county payments, people won't be able to safely access their public lands, and the hope of a new outdoor recreation economy to replace the lost timber jobs goes unfulfilled.

County Public Works Director Burke O'Brien says: ''We are not the ones who stopped our sustainable Federal timber harvest. However, now we are being forced to lose even the funds promised to replace the lost forest revenues.''

My colleagues, Congress must keep the Federal Government's word and its promise to the timbered communities. It is time to get a hearing and a markup and to pass H.R. 17. Time is running out for forested timber communities.

ANNOUNCEMENT OF UGANDA RESOLUTION

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

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to bring attention to the dire situation in Africa that does not receive the attention it deserves.

Today, along with Senator RUSS FEINGOLD, I introduced a concurrent resolution that I hope will eventually bring some peace to the ravaged region of northern Uganda. Specifically, it calls on the Government of Uganda and the so-called Lord's Resistance Army to recommit to a political solution to the conflict in northern Uganda and to recommence peace talks that are vital.

It also urges immediate and substantial support for the ongoing peace process from the United States and the international community.

Mr. Speaker, the tragedy in Darfur rightfully has been receiving a great deal of attention as of late. But to the southeast of that region, another tragedy has been developing for nearly two decades. More than 200,000 Ugandans have died from the violence and disease brought about by the conflict between the Ugandan Government and the LRA.

What is particularly disgusting about this conflict is the forced recruitment of children by LRA. The boys are turned into killing machines and the girls into sex slaves.

Former U.N. Under Secretary General Jan Egeland has called the crisis in northern Uganda the biggest forgotten humanitarian emergency in the world today.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. WELCH of Vermont). 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.

FORMER U.S. BORDER PATROL AGENTS RAMOS AND COMPEAN

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

Mr. JONES of North Carolina. Mr. Speaker, today is the 48th day since a great injustice took place in this country. On January 17 of 2007, two U.S. Border Patrol agents entered Federal prison to begin serving 11- and 12-year sentences respectively.

Agents Compean and Ramos were convicted last spring for shooting a Mexican drug smuggler who brought 743 pounds of marijuana across our border into Texas. The smuggler's van contained $1 million worth of marijuana.

These agents never should have been prosecuted, but they are now handcuffed in Federal prison.

The U.S. Attorney's Office granted immunity to the smuggler and prosecuted the agents almost exclusively on the testimony of an admitted drug smuggler who claimed he was unarmed. The drug smuggler received full medical care in El Paso, Texas, was permitted to return to Mexico, and is now suing the Border Patrol for $5 million for violating his civil rights.

Mr. Speaker, he is not an American citizen. He is a criminal.

Mr. Speaker, countless citizens and dozens of Members of Congress want to know why our government is on the wrong side of this case. Over the past 6 months, Members of Congress have repeatedly petitioned President Bush to pardon these agents.

Since the agents' conviction, new details continue to emerge that call into question the prosecution and the outcome of this case. Recently, I sent a letter to the President detailing the troubling revelations that the prosecutors in this case may not have provided crucial evidence to the defense. This evidence includes a Homeland Security memo that states two supervisors at the scene knew about the shooting, but failed to report it. This contradicts the prosecution's claim that the agents knew they did something wrong and tried to cover up the shooting.

Since then, Drug Enforcement Agency, DEA, reports have also revealed that the Mexican drug smuggler brought a second load of 752 pounds of marijuana, but the prosecutors succeeded in keeping this information sealed from the jury and the public.

Citizens across this country and Members of Congress want to know why does the U.S. Attorney's Office in western Texas choose to go after law enforcement officers while protecting illegal aliens who commit crimes in this great Nation.

Mr. Speaker, every day that these men remain behind bars is a travesty of justice. Because the President has so far refused to stand up for justice in this case, last month Agent Ramos was assaulted in prison.

But, Mr. Speaker, the President has the power to immediately reverse this injustice by granting a pardon to these two innocent men.

And, Mr. Speaker, before I close, I want to say that the American people have rallied behind these two Border agents who are heroes in this country, not criminals. And it is time that this White House wake up and listen to the American people.

HONORING THOMAS F. EAGLETON FOR 50 YEARS OF PUBLIC SERVICE

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

Mr. CARNAHAN. Mr. Speaker, this evening I would like to speak about a true statesman that we have lost in our country and in my home State of Missouri. We lost, over the weekend, former U.S. Senator Thomas F. Eagleton. Not only was he a true statesman, but he had a giant heart, a powerful intellect, and a keen wit.

He leaves behind his wife, Barbara, whom he married in 1956, two children, son Terence and daughter Christie, three grandchildren and a brother.

Not long ago, friends gathered in St. Louis and celebrated 50 years since Senator Eagleton had entered public service. And he had many chapters in an amazing life. He served his country honorably in the United States Navy,

stationed at the Great Lakes Naval Training Center from 1948 to 1949, continued on to graduate with honors from Amherst College in 1951 and Harvard Law School in 1953.

He was admitted to the Missouri Bar in 1953; proceeded in a series of offices, beginning, he was elected as the youngest circuit attorney in the city of St. Louis in its history at the age of 27. He followed that by being elected the youngest Missouri State attorney general at the age of 31, and the youngest Lieutenant Governor of the State of Missouri by age 35.

He went on and in 1968 was elected to the United States Senate representing Missouri. In his first term in the United States Senate, at the age of 42, he was selected by George McGovern to be his Vice Presidential candidate. And while he was only that nominee for a few days, and he will be known as such in history, he went on to serve three terms in the United States Senate, sponsoring legislation, varied, but of great importance to our country, the Clean Air and Clean Water Acts, an amendment which halted the U.S. involvement in the Vietnam War, and as the chief author of the Federal War Powers Act that limits the authority of the President to conduct war without congressional approval.

After an amazing career in public service, he came home to St. Louis, and there he gave back to his community, to new generations of people to encourage them in public service, to new generations of students. He was a professor at Washington University in St. Louis and St. Louis University where he shared his vast knowledge and experience with young people who will be our leaders of tomorrow.

To others in public service, myself, I am fortunate to say, included, he was a great mentor, example and friend. He never failed to promote the people and the notions that he felt strongly about.

In his private life in St. Louis, he was well known for acting with regard to the civic good and giving back to his community. He worked to bring the St. Louis Rams to St. Louis, and recently, in the 2006 elections, was a chief advocate for Missouri's amendment to the Stem Cell Initiative which passed by a vote of the people.

□ 1930

In downtown St. Louis, our new Federal courthouse is named after Senator Eagleton. It towers in our downtown just west of the famous St. Louis Arch. Thomas Eagleton's career and life towers in our country as a great example for all of us, whether we are involved in public service or not.

He was legendary for writing lengthy notes to people. I will treasure those notes that he has sent to me; those notes, that advice, that wise counsel that he shared with so many.

The impact that he has had on young people, their leadership for the future and what he has given to our great State and our country, he will be sorely missed but very well remembered.

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

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

DR. MICHAEL ELLIS DEBAKEY, FATHER OF CARDIOVASCULAR SURGERY

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

Mr. BURGESS. Mr. Speaker, I come to the floor of the House tonight to ask my colleagues to join me in supporting H.R. 1154. This bill designates a Congressional Gold Medal for the famed Houston heart surgeon, Dr. Michael DeBakey. This legislation has been introduced by my good friend from Texas (Mr. AL GREEN), but I feel it is incumbent upon me, as one of the physicians of the House of Representatives, to come to the floor and talk about how important this award is for this individual because, truly, Dr. Michael DeBakey changed the face of medicine forever in this country. His motto, as always, was, ''Strive for nothing less than excellence,'' a motto that we might adopt in the House of Representatives today.

Dr. DeBakey received his bachelor's and his M.D. degree from Tulane University in New Orleans. While in medical school, Dr. DeBakey invented what became known as the roller pump, later to become a major component in the heart-lung machine used in open-heart surgery. This was a groundbreaking development because previous mechanical pumps had destroyed so many red blood cells in the mechanical action of pumping. The roller pump was truly a visionary change that Dr. DeBakey popularized when he was still in medical school in the 1930s.

He completed his internship at Charity Hospital in New Orleans. Charity Hospital, unfortunately, is no longer with us because of the ravages of Hurricane Katrina. Dr. DeBakey completed his residency in surgery at the University of Strasbourg, France and the University of Heidelberg in Germany.

He volunteered for service in World War II and subsequently was named director of the Surgical Consultants' Division of the U.S. Surgeon General's Office. His work during that war led that office to the development of the Mobile Army Surgical Hospital, so-called MASH units, those indeed that were popularized by movies and television shows back in the 1970s and were the forerunners of our forward surgical combat teams that have saved so many lives in Iraq and Afghanistan today.

He helped establish the specialized medical and surgical center system for treating military personnel returning home from war, subsequently known as the Veterans' Administration Medical Center System.

But it was at Methodist Hospital in Houston where Dr. DeBakey performed many of his groundbreaking surgeries, including the first removal of a carotid artery blockage in 1950, the year that I was born; the first coronary artery bypass graft in 1964; the first use of a ventricular assist device to pump blood and support a diseased heart in 1966; and some of the first heart transplants in 1968 and 1969.

He developed the self-contained miniaturized left ventricular assist device to pump blood for a diseased heart, something that is in use to this day. The techniques used to miniaturize the device's inner workings were developed with engineers working on the Nation's space program at nearby NASA.

He served as an adviser to nearly every United States President for the last 50 years. Think of that, Mr. Speaker: The medical adviser to every United States President for the last 50 years, as well as to heads of state throughout the world. He traveled, famously, to Russia in 1996 to consult on the surgery for Russian President Boris Yeltsin.

During his professional surgical career, he performed more than 60,000 cardiovascular procedures and trained thousands of surgeons who practice around the world. His name is affixed to a number of organizations, centers for learning and projects devoted to medical education and health education for the general public.

But think of this, Mr. Speaker, Dr. DeBakey also underwent an operation that was named for him. I picked up a copy of the New York Times last December and read a story about how Dr. DeBakey had undergone the surgery that he himself had described many years before. In fact, Dr. DeBakey admitted at that time that, although he knew he was ill, he never called his own doctor, and he never called 911. Quoting here, ''if it becomes intense enough, you're perfectly willing to accept cardiac arrest as a possible way of getting rid of the pain,'' he told the New York Times. A wonderful, pragmatic individual.

He helped establish the National Library of Medicine, which is now the world's largest and most prestigious repository for medical archives.

Mr. Speaker, as we talk in this Congress about the need for improving the computer technology for medical records and medical information, Dr. DeBakey was on the forefront of that while most of us were still in grammar school.

In 1969, he received the highest honor a United States citizen can receive: the Presidential Medal of Freedom with Distinction. In 1976, his students founded Michael E. DeBakey International Surgical Society.

His contributions to medicine and his breakthrough surgeries and innovative devices have completely transformed our view of the human body and its longevity on this planet. At age 98, he deserves the highest award that Congress can bestow: the Congressional Gold Medal.

I urge my colleagues to join me in cosponsoring H.R. 1154, introduced by AL GREEN of Texas.

WALTER REED

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today to talk about the conditions that we have been hearing about on the care of our veterans at Walter Reed Outpatient Care.

Walter Reed is the first stop for many of our brave men and women returning from Iraq. These soldiers risked their lives defending this great Nation. They have lost friends in combat, and they have seen countless comrades lose limbs and suffer horrible wounds. They expect no reward in return for their bravery.

Unfortunately, the treatment they have received when entering the outpatient care is substandard. Conditions at Walter Reed Building 18, even though they are being improved today, should have never gotten to that condition.

We have all read reports on the matter; so I will not go into all of the details.

Mr. Speaker, if these conditions existed in the public, the authorities would have quickly been notified. However, the mismanagement of care does not end with Building 18. Many of our veterans are lost in the system once they are transferred to the outpatient care. Case files are being lost. Head trauma victims are not receiving the level of managed care they require. Non-English-speaking families are left to navigate through the red tape that exists at Walter Reed and, I am sure, many other veterans' hospitals.

The management at Walter Reed is directly responsible for these conditions, and I know those are changing now. But, again, we must make sure this does not happen again.

Congress has the ability to improve the situation for our new veterans. We are all aware of the benefits of health information technology. Health IT allows patients to move throughout the health care system in an easy manner. If Health IT was implemented at Walter Reed, our veterans would be able to move from inpatient to outpatient care without the fear that their records would be lost. The benefits our veterans would receive if health IT is implemented far outreach the cost of the system.

Many of our Iraqi veterans are coming home with head injuries. Roadside bombs and IEDs are responsible for this increase. These veterans require constant care and supervision. Many of them have lost cognitive abilities. In some of the worst cases, veterans are barely aware of their surroundings.

Let me say this: I know a lot about head injuries. Going back 13 years ago, my son was shot in the head, received traumatic head injuries, and he was left partially paralyzed. We were lucky. His mom was a nurse. She knew how to go through the system. He was also lucky that I had training in physical therapy. People understand, he was only 26 at that time, as many of our soldiers that are injured. They don't need just 3 hours of physical therapy a day; they need 4 in the morning, 4 in the afternoon, and then they need their families around them to take care of them in the evening time. It is hard. It is difficult work. But I know our young men and women are able to do this. The families need to be trained on how to work with their children that have head trauma.

But, again, it is up to us here in Congress, and I know there are hearings, but we must come up with answers on giving the treatment to these veterans with head injuries and to all our veterans that go through Walter Reed.

You cannot expect someone to go onto the campus and think that they are going to remember that they have an appointment the next day. You can't expect them to understand even sometimes where they are at that particular moment.

This has been treatment that we know how to give, and why we haven't given it to them I do not understand.

I know that Walter Reed is one of the best hospitals in the Nation, as long as you are in the hospital. But when you come out, that is where we are losing our veterans through the cracks. It is unacceptable, and we in Congress have a responsibility to make sure it doesn't happen.

During the Vietnam War, our military came home, and, unfortunately, we did not honor them the way they should have been honored. I thought we had learned our lesson.

The brave young men and women representing this country have done a wonderful job, and for us to even let down any kind of health care treatment for them is a black mark on this Congress and certainly on us, the United States of America.

I know the President has put a commission in place. I have been around here long enough to know, enough commissions. We need action. We can do it. That is what we are very good at, getting down to the bottom of it and putting in action. We can't have these veterans wait any longer.

Let me say this: Every day, Members of Congress get on the floor and say what a wonderful job our men and women are doing. Every day we honor them. And yet all of us have let them down. That is not acceptable. I hope that we will do better in the future. The future has to be now. The time has to be now. We cannot wait 2 to 3 to 4 months for a commission report.

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

(Mr. DREIER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

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

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) is recognized for 5 minutes.

(Ms. GINNY BROWN-WAITE of Florida addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

THE COUNTDOWN CREW: COUNTDOWN TO THE TAX INCREASE BY THE DEMOCRATIC MAJORITY

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

Mr. SHUSTER. Mr. Speaker, we have come to the floor tonight again, my colleagues and I, to talk about something that is of great concern to us, great concern to the American people. And that is that, in just 1,398 days, there will be one of the largest tax increases in American history, over $200 billion, and that is going to occur if the majority party does not extend the tax cuts that the Republicans put in place in 2001, 2003 and extended some of them in the last Congress.

But that is going to happen. This huge tax increase is going to occur in America. And the Democrats don't have to do anything but run out the clock. If they sit on their hands, sit on the ball, we will see, in 1,398 days, as I said, one of the largest tax increases that the American people will have ever experienced.

Some of my colleagues on the other side have talked about the change that took place in this body, and there was a change. But I don't know anybody in America, nobody that I talk to in the

Ninth Congressional District of Pennsylvania or across Pennsylvania, that voted to see their taxes get increased.

Over the last several months, over the last few years, several years actually, we have seen this economy move forward creating jobs. In fact, over the last 4 years, this economy has created 7.2 million jobs.

□ 1945

It is because of those tax cuts that we put in place. The unemployment rate in America is at 4.6 percent. It is the lowest average unemployment rate in the four decades that we have experienced over the last three or four years.

Once again, if we don't extend these tax cuts, the American people are going to see more of their hard-earned dollars being sent off to Washington. If you look at a family of four that makes $40,000 or so combined income, has two kids in their family, if we don't extend these tax cuts, if the majority party, the Democrats in Congress, don't extend these tax cuts, people in that income range are going to see an increase of about $2,000 or $2,200 a year.

Some in this body may think that is not a lot of money, but I know to the hardworking people in central Pennsylvania that earn $40,000 in income, $2,200 is a lot of money. You can take that money and that is a nice down payment on a car. You can buy a new washer and dryer machine. You can save that money for college for your children. If you take that $2,000 or $2,200 a year over the next 10 years and invest it in a mutual fund returning about 5 percent income, that would grow to $30,000 in the next 10 years. That is a significant amount of money to send your child off to one of the higher education institutions in our country.

I think that the majority party ought to take a lesson from one of their own. Back in the 1960s when President Kennedy came into office, he cut taxes. What happened was that the economy grew and revenues to the government grew. We look back at history to President Ronald Reagan in the 1980s. He did the same thing. He cut the tax rates. The economy grew, it created jobs, and, lo and behold, more revenues flowed into the Federal Government.

That is again what we did in 2001 and 2003. We cut taxes, and history has repeated itself. This economy is one of the strongest economies in U.S. history. We are getting record levels of revenue coming into the government. So what we need to do is to continue to keep those tax rates low, extend those tax cuts.

Unfortunately for the American people, and that is one of the reasons we come to the floor on a weekly basis and talk about this, to make sure we bring the attention to the American people, make sure they are aware of what is going to happen, the Democrats, they said it very clearly in their campaign rhetoric in 2006, that the leader of the Ways and Means Committee, the new chairman, has said time and time again during that campaign election that he didn't know of any of President Bush's or the Republican tax cuts that deserve to be extended.

One of the first things they did when they became the majority party is they made it easier, not harder, but made it easier to raise your taxes. When the Republicans controlled the House, we made it the rules of the House that you couldn't raise taxes unless you had a three-fifths vote in the House to raise taxes. One of the first things the Democrats did was to make it easier. They decreased it to a simple majority to raise your taxes.

They put in place PAYGO. It should actually be PAYTAXGO, because it is going to make it easier for them. They are not going to touch any existing programs, but on new spending they are going to have to offset any new spending; and the way to offset that, the easiest way, is to increase taxes. I believe, as I believe many Americans believe, that that is what is going to happen.

The American people need to know this. We hope that people are tuning in and listening to us as we talk about this. We call ourselves the Countdown Crew. We are 1,398 days away from this huge tax increase unless the American people speak up, unless the American people talk to their elected officials and say they are not going to stand for a tax increase.

We have created a Web site, and we would love for you to e-mail us and let us know, give us your story of how the tax cuts, whichever one, whether it was the child tax credit, or the accelerated depreciation, dividend tax cuts, the death tax, which one of these tax cuts has benefited you. We would like to hear your story so we can talk about it.

There are millions and millions of Americans out there, young and old, low and medium income, that have benefited by these tax cuts. Our Web site, I guess it is our e-mail, is countdowncrew@mail.house.gov. Once again, there are some stories tonight. Later on in the evening we will be sharing with you that people around the country have sent us e-mails about how important these tax cuts are to them and how detrimental it will be to their small business or their family or communities across America.

I am pleased to be joined tonight by one of my colleagues from Kentucky, Mr. DAVIS. I yield to Mr. DAVIS to talk about some of these issues tonight.

Mr. DAVIS of Kentucky. Thank you, BILL. I appreciate the leadership you have taken on this issue. The one thing that our group is consistent in is all of us have come from the small business world. All of us have come from that arena that creates the jobs in America, pursuing a vision, pursuing opportunity.

For those who have just joined us, you have joined the Countdown Crew. You can join us at countdowncrew@mail.house.gov. We have gotten thousands of e-mails from around the United States based on the first few evenings that we have been talking about the impact of positive, progressive, pro-growth economic policies that allow working families to keep more of what they own and create incentives for small businesses.

As we go into the time right now, the reason we are called the Countdown Crew is because of the fact that unless legislation is passed to extend the tax cuts that have been so bountiful and so beneficial to the American people, to the United States economy, in creating millions of jobs, those tax cuts will expire at the end of 2010 and every working family in the United States is going to receive a tax increase.

And 1,398 days from now, there will be a tax increase on every working family. A family of four making between $30,000 and $50,000 a year will have a $2,092 tax increase imposed upon them. That doesn't come with additional legislation being passed. In fact, the chairman of the Ways and Means Committee, the gentleman from New York, has said that he is not going to introduce any tax legislation to extend those tax cuts and they will expire. So for everybody watching tonight, your tax bill is going to go up by a minimum of $2,000.

When you think about what that means, let's look at the other side, the positive side of the Republican policy, the conservative policy of allowing people to keep more of what they earn.

First, by keeping more of what you earn, it is invested in causes that are important for you, whether it is put into your home, whether it is put into your family, whether it is saved for education, whether it is invested in a new car, in clothing. We can think about any wide variety of issues, but those are the dollars that fuel the economy.

I believe very firmly we see it in the numbers, that when people are allowed to keep their own money in the aftermath of the 9/11 attacks by extending those cuts in a time of war, that we have seen unprecedented economic growth take place in this country and a recovery that shows right now industrial productivity, our manufacturing productivity in the United States, is at an all-time record high, which is an amazing thing as the United States economy continues to churn along. In fact, the growth that has taken place in the United States economy in the last 3 years is greater than the entire economic output of China, which is the largest potential economic competitor to us in the long run.

The reason that I share this is because it has made a difference in the lives of ordinary people. When folks are allowed to keep more of what they earn, they are going to make sure that those dollars are accomplishing things

for their family, especially over the long term.

I would like to tell one story as we begin tonight that I think typifies the success that can be seen by allowing people to keep more of their own money. As BILL said, this is not a partisan issue. John Kennedy cut taxes and had economic growth take off and record revenues come into the Treasury. We have allowed people to keep more of what they earned, and what happened this past year, record revenues have come into the United States Treasury. And the real issue is controlling spending, not taking more of people's hard-earned dollars.

Well, pursuing that vision was something that BILL SHUSTER has done. It was something that I did back in the early 1990s starting my business, helping our manufacturing companies compete and keep their jobs here in the United States.

One person who I would like to highlight tonight, a man who has become my friend, but also somebody who pursued that vision himself, was a man named George Hammond. He runs Hammond's Automotive. He started with its first operation in Covington, Kentucky, over 20 years ago. He took that chance that many Americans take to pursue the American Dream.

He started off with a mechanics shop. The reason that his automotive shop grew in customers was not by popular advertising, it wasn't by media, it was by word of mouth, because the character of George and all the folks who worked with him demonstrated a desire to care for their customers and to make a difference, and they got more business and they grew. They opened a body shop.

Suddenly, the things that they began to encounter were the regulatory system that was increasing costs upon them as they were repairing cars. But even with that, he continued to grow beyond the impact of the regulatory system, hiring more people.

As a result of the tax policy that has taken place over the last 6 years, where people are allowed to keep more of their own money, unlike sending it to bureaucrats in Washington, D.C., where we may not know how it is going to be spent, George took that and he reinvested it. He reinvested it in his people, in training, and most recently opened another business in Burlington, Kentucky, moving out into the suburbs from Covington where he is reaching more and more people, all by word of mouth, and there a following that is going with that.

But I don't know what would have happened to George Hammond if he did not have that flexibility, if he had the tax increase that is coming down the road at the end of 2010, in 1,398 days. He probably wouldn't have had that opportunity to grow his business and create that opportunity.

But instead of raising taxes, we have created taxpayers with this policy. This is a family-friendly policy. That is a policy that allows people to pay for college tuition. It allows them to invest in their children's future. And for George Hammond, not only did it benefit him, but it benefited all of the employees, now going into a second generation of employees with three different business units that are creating jobs, creating a future for folks right there in Boone County and in Kenton County, Kentucky.

Mr. SHUSTER. How many people does George employ?

Mr. DAVIS of Kentucky. It is a typical small business where he has over 25 employees.

Mr. SHUSTER. That is small business personified, that 25 people. Those are the kinds of stories that I think we need to bring out.

Mr. DAVIS of Kentucky. I think the one thing that he has experienced, too, the discussions that we have had when I have taken my F–250 pickup truck in or our Chevy Astro van to get worked on, the one thing we talk about is health insurance. And I remember as a small business owner having to deal with the issues of the high cost of health insurance, dealing with tax policies. He has gone the extra mile to help his people, probably similar to some the experiences that you have had.

Mr. SHUSTER. Absolutely. I didn't mean to interrupt you, but I just wanted to know what size business that was and make sure the American people know that we are talking about people in their neighborhoods, in their communities, that employ 25, 30, 50, 100 people and that start from small and turn these enterprises into successful businesses. In most cases, my experience has been those small business owners, they are the backbone of the community. They are the ones that give to the local little league team. They are the ones that contribute to the hospital and the hospital boards. They are the ones making sure their communities are wonderful places to live, or are helping to make sure they are wonderful places to live.

Mr. DAVIS of Kentucky. I think that is a great point. George is an institution in the community. The one thing is that his attitude toward service has spiraled down to his employees, to their vendors, and that kind of dedication and devotion is I think not necessarily found in the very large corporations that are out there. It is those small businesses, like you say, that are connected.

For those folks who are watching, we invited you to join the Countdown Crew. You can contact us at countdowncrew@mail.house.gov. We encourage you to tell us your stories, your thoughts, your desires for policy.

In particular, what we are seeing over and over again in hundreds and hundreds and hundreds of messages that are shared back to us is the impact of a positive economic policy that allows people to keep more of what they earn. What we have coming, if we don't take action, if the House doesn't pass legislation by the end of 2010, every working family in this country is going to have a $2,092 increase. So many benefits are going away.

What we want to do is keep positive policies that empower people, create jobs, and create a future.

With that, I yield back to the gentleman.

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Mr. SHUSTER. As soon as next week, the Democratic majority will be introducing their budget. It is my guess that they are going to spell out exactly how they are going to increase taxes on the American people to pay for that budget. They are going to have a choice. The choice is going to be either to continue the tax policies which have resulted in record job growth, 7.2 million jobs over the last 4 years, 40 quarters of an expanding economy; or they are going to choose to put the brakes on the growth of this economy by raising taxes.

I am going to predict tonight that if they decide to choose to raise taxes, which all indications lead me to believe they will, the brakes will go on this economy in very short order.

One of the important reforms that we as Republicans made when we were in the majority was to reduce the taxes on dividends and capital gains. In past history, dividends and capital gains were sort of viewed as only the fat cats in society, only the wealthy get to benefit by a reduction in taxes on dividends and capital gains. But that is not the case today.

Over 60 percent of the American population is invested into mutual funds and the stock market, into various other financial vehicles. It is widespread in the economy who invests and who can benefit from a decrease in the tax on dividends and a cut in the tax on capital gains.

Prior to 2003, tax cut dividends were subject to individual income taxes up to 38.6 percent on top of corporate taxes of 35 percent. It was double taxation. The corporations in America that you invested in, if you invested in General Motors or you invested in Wal-Mart and they made a profit, they got hit with a 35 percent tax increase, and then they paid out their dividends to the millions of people from all walks of life who invested in those corporations, and the dividend, it was hit at a tax rate of 38.6 percent or below. Among developing countries, only Japan has had higher tax rates on investment income than us.

In 2003, the top individual tax rate on dividends was cut by more than half down to 15 percent. Starting next year, there will be no dividend tax at all for lower income Americans which is absolutely essential to continue growth in this economy.

In addition, capital gains tax increased, with the top rates on long-term capital gains dropping from 20 and 10 percent down to 15 and 5 percent. The 5 percent rate will drop to

zero next year for those in the bottom two tax brackets. Again, for families in the middle and lower income that have investments, they are not going to be taxed on those types of investments, or it is going to be significantly decreased.

Those lower tax rates have promoted a strong and growing economy, and has created 7.2 million new jobs. Our job creation in the last 4 years is greater than the European Union and the Japanese economy combined. This has been an economy that has grown strong and created millions and millions of jobs.

Again, if the Democrats fail to extend the tax relief, in 2010, those rates will return to where they were before we lowered them, and the American people are going to experience significant tax increases.

Because seniors rely on income from investments, they have benefited greatly from those lower taxes. That is why it is important. They are one of the key groups in our economy that have benefited by it.

The Treasury Department has estimated that 8.5 million seniors saved an average of $1,144 on their 2005 taxes as a result of lower rates on dividends and long-term capital gains. And $1,100 goes a long way towards buying something new for your home, whether it is a washer and dryer, or whether it is a senior giving it to their grandchildren to help them out as they make their way in the world and go to college and try to get an education.

According to the Tax Foundation in an analysis of IRS data, more than half of all taxpayers over the age of 65 received dividend income in 2004. Over half of the folks over 65 years of age are receiving dividend income. That is double the national average for all taxpayers.

Seniors also rely upon capital gains income. That same Tax Foundation report found that while nationally less than 13 percent of taxpayers claim capital gains income in 2004, that figure cost 30 percent, a third for taxpayers between the age of 65 and 74, and more than 27 percent for those over the age of 75. Seniors benefit greatly by the dividend and capital gains tax cuts.

On May 10, 2006, Flora Gramma Green, a national spokeswoman for the Seniors Coalition, described the importance of lower dividend tax rates for seniors living on a fixed income. She said, ''When I planned for my retirement, I needed the dividend income just to have a secure retirement. I am not wealthy. I worry every day if I will have the money to buy the gas I need to get to the doctor, I worry if I will have the money I need for proper nursing care as I get older, and I worry that the monthly income I plan for will stretch far enough each month to let me pay my bills. The millions of fellow seniors who benefit from this tax reduction are in the same boat I am in. We need this tax break just to continue the safe and secure retirement that we planned for.''

Those are the words of a senior who is certainly involved in the fight to continue to keep these tax rates low, to see that the tax rates are extended so that in just 1,398 days, which will be January 1, 2011, which is a short period of time away, we will see this $200 billion tax increase, and it is going to cut across all income spectrums, from low income to high income.

These folks are going to have to send more of their money to the Federal Government and not be able to put it back in the economy, creating jobs in the most efficient way that an economy can create jobs.

Mr. DAVIS of Kentucky. One thing I would highlight, a few examples to share just from back in our district, and feel free to jump in with your experiences from Pennsylvania, growing up in the Ohio Valley and seeing our industry having problems competing, I know one of the choices I had when I left high school was to go in the mills or go in the military. I am so glad I went in the military because when I came back years later, those mills were gone. The environment had changed dramatically, and expectations had changed dramatically.

The people who are allowed to keep more of what they earn are going to invest it locally and invest it in their family. As our dollars stay in our community, there is going to be increased opportunity.

In northern Kentucky where I live, in Kentucky's Fourth District, which runs on the south side of the Ohio River, right across from Cincinnati, we have one of the largest air hubs in North America, the Cincinnati-Northern Kentucky International Airport. Being in Kentucky, we are very proud of the fact that Cincinnati's airport is located in the great commonwealth of Kentucky, but there is a story which affects the Tristate area in a profound way that has taken place over the past couple of years.

Delta Airlines, one of the great flagship carriers of this country, has a major international hub located there. They also have a home grown regional carrier, Comair, which started out as a small commuter airline, which has grown into quite a presence.

They have gone through a very, very tough time over the past several years, since 9/11, dealing with the fluctuations in fuel prices and the issues of security costs, the challenges that have been faced in the economy turning around. The tax cuts that have been so beneficial to America's families that have created 7 million new jobs, that have allowed people to keep more of what they earn, on average between $2,000 and $3,000 per family in this country, has had a direct impact on this company.

The reason I want to highlight Delta and Comair and all of the businesses in our region, they have gone to great lengths to sacrifice and do something different than other airlines have. Rather than cutting their pensions for the expediency of institutional investors on Wall Street or other creditors, they worked with their creditors and all of their vendors not only to keep the airline going at a world class level, but to make sure that they kept their benefits and pension plans in place for their employees.

The commitment of the employees have been so great through all of this. Many of them have made tremendous sacrifices. The one thing I can see is that these employees who are making 40 percent or less than what they were making 1 year ago, 2 years ago, are now suddenly faced with not only having substantial reduction in their income to keep their job moving, but, in 1,398 days, according to this regressive policy, they are going to have an additional $2,092 on average added on top of those families.

I think it is entirely unreasonable because the impact can ripple all of the way across the economy, not only in terms of demands on those families, but the consuming families, some of the ways people spend that money, is travel. They travel for business. They buy products from companies that fuel that business travel economy. One of the great gateways to Florida, people traveling to vacation in the south from different parts of the United States, are flying on low-cost fares from Delta through Cincinnati and other gateways in the region. And that $2,000 on average per family will have an impact on that aspect of the economy, too.

You might ask, why are you bringing this up? Our economy is so complex, so interconnected, we are so interdependent on one another, by having a significant impact on one side will eventually have an impact on the other side. It is kind of an economic butterfly effect, not in the extreme like the proposition in chaos theory, but it will create a lot of chaos in our economy.

Another benefit I will share, I have a very good friend who is head of the Manufacturers Association, a committed, small business community executive, named Rick Jordan, who is chairman of the board of our Gateway Technical Community College which focuses on advanced manufacturing and information technology education to train our next generation workforce.

He is also the president of LSI Industries, which does extremely innovative engineering for lighting systems and retail display systems. One of the companies that has been driven by an increase in consumption in a very literal and physical sense is a big client of theirs, is Dairy Queen. Because people have had a little more discretionary income, they are able to meet their needs, and they want to take their family out for that treat, that hamburger, that ice cream. It just doesn't end there. When they hit the drive-through and they get that Blizzard for their kids, then it starts through the supply change and works its way back.

LSI, being one of our premier businesses in the Cincinnati-North Kentucky area, has their employees manufacturing all of the signage for all of the Dairy Queens in this competitive environment in the entire country. They won that contract because of the increased growth that has taken place when, over the last 4 years, when the full impact of this positive tax policy has been felt.

As we share other stories, I think those are two, one from manufacturing, from the leisure industry, from transportation, from the restaurant industry, which show this connectedness.

Mr. SHUSTER. Mr. Speaker, I don't want to mention his full name, but I had a conversation with a gentleman today who is a local businessman and employs about 120 people in one of my counties back in Pennsylvania. I am just going to call him Harold. I had a conversation with Harold on the phone today, and it was about the negative impact of these tax increases if we don't act on them.

As I was talking to Harold, he has been in business. Actually, his father started the business. Harold has been in it for 40 or 50 years. They started out with a couple of dump trucks and a bull dozer. Today they have a tremendous amount of equipment. They are an excavating business. They employ 120 people. But Harold's wife, Delores, just had a health scare, and so Harold has been looking at the business and what would happen if he were to pass away.

He said, you in Congress need to pass the death tax because if you don't, if I pass away, it is going to cost his children millions, up to several millions of dollars in taxes that they are going to have to pay in Federal and State tax, mainly Federal tax, to keep the business. He said, my children won't have access to that kind of cash, so they will have to liquidate the business if I were to die.

There are thousands of stories like that across America, that we need to make sure that we are extending the death tax and making sure that small-business owners like Harold and Delores, if they pass away, that their children will not have to liquidate a business because you have 120 families that they employ making a good living, living in rural Pennsylvania, that are potentially not going to have jobs if that were to happen.

Also, something that I think is important, as you mentioned, you were a small business owner, and I was a small business owner before I got here. Harold is the kind of guy in Pennsylvania, he is one of the pillars of the community. He is the guy that is always contributing to the community, giving back, whether he is on the hospital board or the economic development board. He is the guy making sure that he is contributing to the local Boy Scouts, to the Little League, making sure that the firemen have money, that he is supporting their efforts to raise money as they struggle to keep their ambulance and fire service going.

Those are the kinds of people, small-business owners, that have been in business for many, many years, that give back to their community, give back to their community and give back to their community.

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Those are the kinds of people and those are the kinds of communities that are penalized with a tax like the death tax that would cause a business, one of the pillars of the community, to have to liquidate to raise the money to send it down here to Washington, to come into the Federal Treasury, and it would go out again probably 50 percent or 60 percent less of what came in. It would be less efficient than Harold being able, or Harold's family being able, to give back to the community and get the most impact out of a dollar.

Again, those are the kinds of people. I had a lunch with a gentleman in a similar business as Harold, gentleman by the name of Dave I will call him, who is the same type of person, started a business, told me about growing up on the farm in rural Pennsylvania, saying he did not have any money; he did not know any better. But he started out a with a flatbed truck hauling coal from the coal region of northeastern Pennsylvania back down to central Pennsylvania. That is how he got started, and today he has 200 employees, three different businesses, and is another gentleman who gives back to the community again and again and again.

That is what we are talking about. That is what makes America great, coming from a poor farmer to a prosperous business owner and a pillar of the community. Again, that is what makes America great. These are the kinds of people all across this country we have to make sure that we are not penalizing for being successful.

I yield back to the gentleman.

Mr. DAVIS of Kentucky. I think you have hit the nail right on the head there, and for those who just joined us, you are watching the Countdown Crew. You can contact us at countdowncrew@mail.house.gov. We come to the floor the first night of every vote to talk about the positive impacts of tax policies that let people keep more of what they earn, keep more of what they own by default, and ultimately create the jobs and create a future for folks here.

Most folks do not realize that with the vote that took place, changing the House's Congress in 2006, put us on the clock for a tax increase that will come. The chairman of the Ways and Means Committee, the tax-writing committee in the House, has said that there is no tax cut that he sees that is worth keeping.

I think that shows a blindness to the dramatic economic impacts that have hit where we are at all-time manufacturing productivity and all-time low unemployment that is remarkable in these times, that we have created 7 million new jobs. What is going to happen in 1,398 days is a tax increase that will hit the average working family in this country with a $2,092 tax increase, and that will happen without any legislation being introduced.

The way the prior tax cuts were drawn, we would extend them every 2 years. That extension right now appears to not be happening. On behalf of the Countdown Crew, we would encourage you to write your Member of Congress to encourage your Member for the district that is represented by you watching at home to make sure that those are extended.

More than that, we would like to hear your stories, if you would send to us countdowncrew@mail.house.gov and tell us what you have done with that additional money. We have heard stories of folks who have been able to meet personal needs, start businesses and create jobs. The goal of a constructive government policy related to revenue is not to raise taxes, not to create taxes for their own sake, but to create taxpayers to have an empowering policy that lets people work, pursue their vision, and pursue opportunity in the long run.

Probably one of the most interesting stories that I can share I think has a little bit of humor in it. If we go to a shopping mall in the United States right now, you can look out and see there is always a group of kids somewhere in the mall, the Goth group, that is dressed in black, black shirts, black shoes, black pants, black hair, black garments that they will have on them.

There is a little secret that I will share with America's youth and the Goth movement tonight. The color black, the person who owned the patent on the color black comes from the Fourth District of Kentucky. A brilliant chemical energy engineer named Bill Stoeppel some years ago discovered that there was a real problem in manufacturing waste in paints and in dyes for clothing and paint for the automotive industry. He developed a unique solution dispersion to carry the graphite that would be that color black. He named his little company Solution Dispersions. He took the idea from the experience that he had. He ended up buying a company that at one point he worked for. He started another facility in this business and it grew. He had an exclusivity, made a very, very small profit on processing this graphite for the large coatings and coloring companies that support our manufacturing industry around the United States.

Right there, in Cynthiana, Kentucky, is the headquarters of the color black. The reason I bring that up is there is one person, one man, who has created hundreds of jobs in different parts of the country and also is fueling a supply chain at a reduced cost to be able to compete not only domestically but

internationally as well, with strong and high-quality products.

He did not just stop there and bury his money in the ground. The profits that he made he reinvested in his community. He was one of the people that you had alluded to earlier when you talked about Harold. Well, Bill was one of those pillars of the community that worked with the hospital and the school system, was somebody that was active in the Rotary Club, made sure that the hospital board had resources and assets, and he also invested back in the land, a personal love of his. He was ranching quality, very high quality grade, again creating more jobs and opportunity and participating in the consumption economy.

Many of those opportunities literally have the chance to go away on December 31, 2007. When we talk about tax policy, oftentimes there is a misnomer, this class warfare idea, that it is always the super-rich who get off or the rich who get off and do not pay their burden, that it is always unfairly pushed down on working families and on the poor.

The truth of the matter is with these tax cuts the ceiling was actually moved up. The burden was moved up. Millions were taken off the tax rolls. A new tax bracket was created for 10 percent which will disappear, a transitional tax bracket for those who were coming into the workforce, who are moving upward.

There is a $1,000 child tax credit that is coming. Just in my family alone, when that went from $500, and that was set a long time ago when $500 had a different value in the economy than it does now, to $1,000 that made a difference. Patty and I have six children. Right there that is a $3,000 tax increase to my family that will take place at the end of 2010.

The marriage penalty is going to be restored, and I think practically the one thing that we must do is make sure that we have policy that is friendly to families, that encourages jobs, and encourages and strengthens the family. By putting the marriage penalty back in place, it actually makes it more profitable to be single, and I think that flies in the face of our American values here.

You mentioned the estate tax earlier. It is a pernicious tax that confiscates money from families once that money has already been taxed. It is not the super, super-rich of the world, the Bill Gateses of the world, the multibillionaires of the world. They are not the ones that are going to have to worry about paying that. It is the small business owners who have capital-intensive businesses. It is going to be farmers, small manufacturers that have the most dramatic negative effect from that.

We had one took place in my county that is a perfect example of this, a farmer. When the patriarch died, they did not understand. They loved farming. They wanted to focus on that business. They did not understand the impact of an estate tax, having a farm in a growing county with appreciating real estate values. Because they had gotten some incomplete legal advice, they came to find out that they literally were going to have to sell half of a farm that had been in the family for five generations because they wanted to keep farming just to pay the tax bill. I think that flies in the face of American values. It flies in the face of creating opportunities.

Mr. SHUSTER. Absolutely. You talked earlier about the stories that we want to have sent to us, talking about real-life stories out there in America, how these tax cuts have helped them or what they are feeling in the economy or what they are feeling about their government. You can e-mail us at countdowncrew@mail.house.gov. That is countdowncrew@mail.house.gov.

I received an e-mail, and I wanted to read some of it to you. It is from Kent Berry, who is a small business owner from Gravel Ridge, Arkansas. I have never been to Gravel Ridge, Arkansas. It is about 15 miles north of Little Rock; and over the past months, Kent has been watching us.

Kent says he is swamped by Federal tax regulations which are driving him down. He goes on further to say: ''More and more I feel that the deck is stacked against me. I witness so much nonproduction being rewarded with money which I had to struggle to remit. I'm beginning to feel that the American Dream is an optical illusion. I'm starting to envision the American Dream a lot like the carrot and stick. I keep pressing but it ain't gettin' no closer.''

Kent continues: ''I'm no constant agitator or perpetual malcontent, but I do enjoy C–SPAN and I did hear your e-mail address several times, and I'm writing to say that I'm struggling here.

''Government, like a lot of things, is a good thing. But like all good things, moderation.''

And as Kent points out there, he is struggling out there because he has got a small business. He works hard to earn the money that he earns, and then he has to turn around and pay a tax bill that is bigger than he can probably handle. If we do not extend some of these tax cuts, the tax bill is going to be even greater for Kent.

I know his story and his feelings are like millions of Americans out there that want to make certain that if they are going to invest their capital, if they are going to invest their blood, sweat and tears into a small enterprise, that they have the ability to get a return, that they have a ability to save some money, that they have an ability to make sure that their family lives a little better life than they have.

This is the American Dream, as we have talked about a couple of these folks from your district and some from mine, that they start from meager beginnings and with hard work, with ingenuity, they grow a business and become significant parts of their communities, giving back to their communities. Those are the types of people that we want to make sure that they are not penalized, that they are not driven out of business because they have to have some big tax bill when they pass away, you know, whether it is taking that money and investing it into a mutual fund so they can get a nice dividend back and they are not overburdened with taxes, whether they take their company or their business or their property and sell it and do not have an oppressive capital gains tax.

As you mentioned, most Americans do not take the money and bury it in the backyard. They put it back into the economy. They invest it in a mutual fund. They invest it into another business or a property that builds something, but that money goes back into the economy to create jobs and to hopefully when they invest that money create a return for them so they can continue to live a good life.

Again, through my district, there are a number of people. I have mentioned the name before, a B.C. Stone, another one of those operations started out in a garage. I visited with those folks about a week or so ago. They started out in a garage and today with a couple of employees, and today they employ 70 people. Their business is prosperous. It is growing over the last 4 years, and Travis Collins, one of the owners, says it is directly because of the various tax cuts that we put in place. The economy is moving, booming, and so his business right along with it.

As I mentioned before, he has taken on an old hotel in my hometown of Everett, Pennsylvania, an over 110-year-old hotel, and he is restoring it and turning it into a 12-bedroom hotel with a first-rate restaurant in it. By doing this, he hopes he is going to make some money, but he really wants to give back to the community and this beautiful, small town that he grew up in and this hotel, quite frankly, was dilapidated. He is putting a fresh face on it, and he is going to try to attract people to come into the community, to spend money through tourism.

Again, these are the kinds of things that happen when you allow people to keep more of their own money. They invest it, they grow their business, they try to create jobs and make their communities better places to live and to work.

Mr. DAVIS of Kentucky. One of the things that relates to that, too, is that money just does not end at the personal savings account or even at the grocery store, the auto shop or dealership, or the Dairy Queen for that matter, as we mentioned earlier.

There are others who are very, very dependent upon the benefits, the profits of these small businesses, the revenue from salaries, from jobs that are created, and that is all of our public servants.

I have a daughter who is now doing her student teaching practicum. She is

getting ready to go out and become a public school teacher in our district. Her salary ultimately is paid by the salaries of those who are employed, who own houses, who have jobs, who can contribute to the payroll tax in the community. Our policemen, our world-class law enforcement that we have, is funded. All the training that they receive is funded by taxpayer dollars that come from folks who are out in the economy, who are in jobs that are creating that value. They are creating that tax revenue that comes into the government, that pays for them. We have to make sure in order to keep them strong and to keep them well-funded we have to have a robust and strong economy.

□ 2030

The key to keeping those services world class, whether it is in education, whether it is public safety, whether it is even funding our military at a Federal level; a strong and robust economy is critical to that in the long run, because the entire supply chain, the entire chain of individuals is interconnected. We are in a society, in an economy, where everybody is connected, one to another, in some way. It is not just a circle of folks that we interact with, but it is those that we interact with. That chain moves on and on throughout the entire economy, rippling back and forth in a very positive way, in all, ultimately, being very beneficial.

I have two friends who are in the insurance business. Ironically, they are both not only good friends and strong supporters of mine, they are extremely active in the community. I think the only place that they are not working in concert together is with insurance offices. Bob Boswell and Bob Kelly of Florence, Kentucky, are literally across a mall road together.

But they get along well together, they work together on projects to benefit the community. They see it firsthand, introducing folks to financial planning. As they are trying to build a future, they are trying to look to the future for retirement savings. My friend, Dale Viniard, who is an insurance agent in Crestwood, Kentucky, was one of the very first people that Pat and I met when we moved to East Crestwood, Kentucky, at the opposite end of the district, experiences of people having a concern over their ability to provide for their family and the future, having that ability to make sure that they can have a job, make an income and ultimately have some type of retirement, build that nest egg.

When you touched on the impact of the capital gains tax earlier, I think it's a huge, huge issue, because the majority of Americans now don't have these defined pension plans like somebody might have gotten 50 years ago, working for the large automotive company. Because most people are coming out of the small business world that creates 88 percent of the new jobs in this country. Their retirement plans are going to be in some form of deferred compensation of 401(k). Some type of retirement savings are diversified, spread over different types of investments. In most cases, they will have some degree of control over that.

Just the change in these taxes could have a dramatic impact on senior citizens. They could literally see their tax burden double overnight when they seek to access their retirement funds just to live.

Again, once that money comes out of the economy, it is not creating jobs. That investment is there; not only is it benefitting them, but it is creating jobs for the future.

Mr. SHUSTER. Just in our closing minutes here, I want to reiterate, first of all, say we have been getting up here for the last several weeks talking about the coming tax increase, unless Congress and the Democratic majority acts, which will occur in 1,398 days, which will be January 1, 2011, and that occurs in 2008, some of the taxes, if they are not extended, will expire, 2009, 2010. Again, we want to hear from citizens around the country that have benefitted by these tax increases, tell us your story about your small business, how it has grown or how you started it.

You can get those stories to us at the countdowncrew@mail.house.gov. We want to hear those stories. Again, I want to close with just talking about what's going to happen with the dividend and the capital gains tax cuts if we don't act.

January of 2010, those rates will go back up. As I mentioned earlier, when folks think about those dividends, whether you have a mutual fund, you have an IRA, you have a 401(k), you have some pension fund out there. By and large, if not all of them, almost every one of them, is dependent on investments to put income in and pay out to the beneficiaries.

Prior to a 2003 tax cut, dividends were subject to an individual tax rate up to 38.6 percent and on top of a corporate tax rate of 35 percent. Those types of rates are coming back unless this Congress and unless this Democratic majority acts. In 2003, the top individual tax rate on dividends was cut by more than half, down to 15 percent; and starting next year, that dividend, no dividend tax on income, on lower-income Americans. That is substantial.

In addition to capital gains tax decreased with the top rates on long-term capital gains dropping from 20 and 10 percent down to 15 and 5 percent, and, again, the 5 percent rate will drop to zero next year for those in the bottom two tax brackets.

If the Democrats fail to extend this tax relief, again, in 2010, they are going to come back, and anybody out there in America that is retired, anybody out there, as I said, that has a 401(k), a mutual fund, they are going to be taxed at a higher rate on those dividends. So it is important that we act. That is, again, why we come to the floor once a week and remind the American people that this tax increase is coming.

You need to talk to your Member of Congress. I do not believe that anybody in the November elections voted to increase their taxes, and your Member of Congress needs to hear about it. We have to stop it because we want to see this economy continue to grow and to prosper.

Does the gentleman from Kentucky wish to close? The gentleman from Texas arrived, too.

Mr. DAVIS of Kentucky. Thank you. For those of you joining us at the end here, you are with the countdowncrew@mail.house.gov. Our motto is create taxpayers, not taxes. We want to allow you to keep more of what you earn, because when your dollars are in your pocket or in your community, it is creating America's jobs and advancing the economy.

One person who has joined us tonight is a former certified public accountant from the great State of Texas, and his name is Mike Conaway. We have worked together on numerous issues in the committees, and I think that he would like to share something for a couple of minutes here.

Mr. CONAWAY. Just to set the record straight, I am still a CPA. I am keeping my license current,

Mr. DAVIS of Kentucky. We were hoping you were a recovering CPA.

Mr. CONAWAY. Because, as you know, I am only one election away from being back in public practice. So maintaining my credentials that I have used for 30-plus years is important. Part of that work I did was with taxpayers, folks who actually make money and then pay taxes on that money.

There is nothing inherently moral or immoral about a tax rate. The number in itself is not magic. We have gotten ourselves into a real ugly box in comparing or contrasting or linking spending issues with particular tax rates. In my view, those are entirely two different issues all together.

We ought to determine what we ought to spend and what that appropriate amount is and then figure out how to collect the minimum amount of taxes needed to spend that. To the extent we try to link tax cuts on one type of a taxpayer to spending in other areas is a false argument. It is a straw man that is irrelevant in the grand scheme of things. I can assure you that the Federal Government's accounting system does not put cash from this particular tax rate into this bucket that is only spent on welfare; from this tax rate into one bucket, only goes in the Defense.

Cash is fungible. I think we should reformulate the debate away from this idea that there is some link between the specific tax rates and specific spending issues, because I believe that is just a false argument, and it leads us down a bad path. Let's focus on what we ought to be spending in a variety of

areas, whether it is defense or health care whatever it might be, let's figure out what the right amount is for that area. Then let's look for a system that allows us to collect that in a straightforward, easy to comply with, fair basis. I don't think our current Tax Code meets any of those criteria.

I have made a living for a long time helping people comply with the complexity of it. You know, a lot of my colleagues are in the same boat. But this current system is unworkable, and it leads us down the wrong path.

As you have mentioned, we are now under 1,400 days away from the largest tax increase America has ever seen with the expiration of the current tax rate and the current tax schemes as it relates to the death tax.

We don't know if those are the right ones or not, but they are the ones we have got. The ones we have had in place since 2001, I think, in no small part have contributed to the growth of this economy, have contributed to taxpayers being able to have more of their own money, to put that investment back into their families, businesses and other things. The current tax rates are working, and to the extent that they expire and have automatic increases is unfortunate.

I understand we are about out of time. I appreciate getting to join you late in the hour.

Mr. SHUSTER. We certainly appreciate you coming here over the past several weeks. It is always good to have a CPA on the floor to be able to correct us when we spout off a number that is not quite accurate. You have been able to do that a number of times with us. We appreciate it.

I just want to point out again to people that may be watching tonight, such as a CPA, a small business owner. I was a small business owner. We all have children. Your children, I know, are grown now.

Mr. CONAWAY. Grandchildren.

Mr. SHUSTER. But it is important in America that small business owners and families are not burdened with these heavy taxes. We have to keep them low.

I think the gentleman from Kentucky might have a final passing word.

Mr. DAVIS of Kentucky. I want to thank everybody for joining us. For those of you who are regulars and are corresponding with us, we appreciate your joining us and contacting us at countdowncrew@mail.house.gov.

We believe that the key is not raising taxes; it is creating taxpayers to project economic growth and opportunity for the future. Our backbone is of small business owners that have created the jobs, created the vision, have created the innovation that have help make this country great. We want to continue standing by you and the working families of America.

With that, Mr. Speaker, we yield back the balance of our time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ARCURI). The Chair would remind Members to address their remarks to the Chair.

THE ECONOMY

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

GENERAL LEAVE

Mr. MICHAUD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days with which to revise and extend their remarks and include extraneous material on the subject matter of my special order.

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

There was no objection.

Mr. MICHAUD. At this time, I know the gentleman from Wisconsin has another meeting he has to attend, so I would recognize the Congressman STEVE KAGEN from Wisconsin.

Mr. KAGEN. Thank you very much, Congressman MICHAUD. I certainly appreciate being with you this evening, especially after an enlightening hour of finding out that really they weren't borrowing and spending money.

But, indeed, this is the class of 2006. We were elected to take a positive change in a new direction. We are not the party of borrow and spend and borrow and spend. Because as you all know, the first two letters of borrow and spend are B and S. We are here this evening to talk with you about our trade policies. Indeed, our foreign trade with China has become entirely a negative number.

In this brief slide, the 2006 trade deficit will show you that the United States is losing. We have lost $233 billion a year in 2006. In the first 2001 numbers, $83 billion deficit has mushroomed to $233 billion.

In 2006, China ranked as the fourth largest export market for the United States and the second largest import market. They are our trading partner. We have had the American century, and now we are moving into what will become the Chinese century. But we should be ordered in the rule of law, and unfortunately for us here in the United States, we suffer because they are not following all of the laws.

In a recent article in The New York Times, it reads in part that the Chinese's real advantage results from subsidies. They include government grants for modernization, low-cost loans, debt forgiveness, tax breaks for export or businesses and subsidies for suppliers of wood and pulp, something we are keenly aware of in Wisconsin, in my district, which used to be known as Paper Valley.

According to government data available from the Chinese government themselves, more than 70,000 illegal seizures occurred of private property, of land in 2004. In 2003, the Chinese admit that 168,000 occurrences of seizures took place.

□ 2045

Well, this is what happens in a Communist country, and it is to their advantage.

The subsidies: According to our own U.S. Trade Representative, ''The Chinese subsidies at issue are widely available and offer significant benefits, particularly through income and value added tax breaks. They make it harder for U.S. products to compete with Chinese products, not only in the U.S. and Chinese markets but in any market in the world. They accomplish this by providing a competitive advantage to a wide range of Chinese exports, including, for example, various steel products, wood products, such as hardwood, plywood and paper products, and by providing incentives for Chinese firms to purchase domestic products instead of those from the United States.''

United States' manufacturers and exporters are suffering because there is another trade partner of ours that is not following the rules. Indeed, 15 to 20 percent of all products made in China are counterfeit materials. They need to follow the rules.

On this slide is a measure of their unfair trade. There are three things primarily that China is not complying with: currency manipulation, their yuan is below where market prices would bear the price; illegal subsidies; and illegal grants, grants given to companies that have no intention of paying them back. And what can we do about this? We really need balance in our trade deals. We don't need free trade; we need fair trade.

How do we fix an unfair trade deal? We need new leadership in the administration. We need a President and an administration that is interested in fair trade. And what must we do? We must establish fair trade and export our values, not our jobs. After all, if we don't make anything in America, we simply won't have anything.

Mr. MICHAUD. Thank you very much, Congressman KAGEN. This has definitely been enlightening. I really appreciate all the charts that you have. And you are absolutely right, the American people want the new direction for this country and are very pleased particularly with the freshman class, yourself leading the charge to make sure that we do have fair trade agreements. I want to thank you for your time coming to the floor this evening to talk about this very important issue.

I would now like to recognize another freshman Member of the 110th Congress class, the gentleman from Illinois who has taken a real leadership role as well on trade, but also on veterans affairs issues where he replaced a former colleague in this body, Lane Evans, who has been a mentor and has been a leader also on veterans' issues. I would like

to yield to Congressman HARE of Illinois.

Mr. HARE. Thank you, Mr. MICHAUD. And I want to thank you for your leadership on this whole issue of trade. I was here last week, as you know, and we were talking about the Employee Free Choice Act. And I spoke then as a former labor organizer about the difficulties working men and women have in being able to join the union. Tonight I am here, and I want to tell a brief story, if I could, about what I think this whole trade situation boils down to.

In my district, we have a city called Galesburg, Illinois. It was the home of Maytag, manufacturing washers, driers and refrigerators; 1,600 very talented men and women worked in that factory. On two different occasions, the workers of that plant gave pay concessions back to keep that plant open. The State of Illinois, my home State, gave Maytag $24 million in State taxes for renovations to keep the factory there. The plant, about 8 months later, announced that it was moving to Sonora, Mexico.

The CEO said it was because of several things, but the bottom line was they could make more money manufacturing in Sonora, Mexico, for cheap labor. And 1,600 of those people are out of work, and 1,000 more recently followed a few weeks later in Herron, Illinois, from another Maytag facility. And the CEO of that corporation said, ''You just have to understand, Congressman, I am in the business to make money for my shareholders. I don't really care about the people of this city and the educational system and what happens to them, and the small businesses that feed into Maytag. I am here to make money.''

Well, I am here tonight to say a couple of things on this whole issue of trade. First, let me say, I said this on the campaign trail, Congressman. I am a card-carrying capitalist; I believe in trade. We have to have trade. I am not a protectionist, an isolationist. But I do know this. As my colleague, Representative KAGEN, said, we have to have some fair trade.

Under this NAFTA agreement, it was tough enough to lose those jobs, but we negotiated that; we, meaning our trade folks, negotiated a 5-year head start for those Maytag jobs in Mexico, gave the Mexican government a 5-year head start on refrigerator products. Now, how are you going to compete?

I went to an editorial board, and I remember saying to the publisher of the newspaper, if your competitor across the river had a 5-year head start on subscriptions and advertising and being able to get the news out each and every day, and you could not publish for 5 years, do you think you would be at a distinct disadvantage? He said, ''Absolutely.''

So here is what I think we need to do, in plain and simple language from a former clothing worker: I think we have to stop this exportation of manufacturing jobs across this country. And we have to be not just angry about it; we have to say: I am more than angry. I am now going to do something that we haven't done before. I am going to raise my voice and I am going to tell my elected Members of the Congress of the United States that if you vote to send our jobs overseas, we are going to vote to send you back to your district permanently, because in this business, we are supposed to be here to represent people.

The job of a Member of the United States Congress, to me, is standing up for ordinary people, and I am tired of seeing our jobs shipped overseas. And, more importantly, the American people hopefully watching and listening tonight are tired of their tax dollars being spent to subsidize those jobs being sent to Sonora, Mexico, where, by the way, the people down there have no trade unions, don't have enough money to even purchase the products that they are making. And I believe that all of us, whether you are a Republican or Democrat or Independent, have seen the hemorrhaging.

In textile, in my industry, thousands of jobs are gone, not because people couldn't do it, but because they can't compete against 18 cents an hour. It is impossible. Not simply because these people were getting benefits and other things that they desperately needed so they can do like I did and buy a home and put their kids through school and go to college and do the right thing; these are veterans of our country who have fought and defended it. They come back and had a job that was taken away from them, not because of anything they did wrong.

So here is what I propose: How about a little corporate responsibility? But how about, let's tell our trade negotiators that we want trade, but let's make it fair and free? Let us don't negotiate our manufacturing jobs overseas. And, by the way, let me just say, I have a lot of agriculture in my district, and farmers are the last group brought to bear on the trade negotiations. They are never brought to the table. I think we have to have, as Representative KAGEN said, an administration and a Congress that says to the trade negotiators, look, we want trade; we want to be able to negotiate a decent standard of trade for our folks. But we will not do it by simply abdicating our manufacturing base, whether it is in steel or textile or automobiles, whatever it is, because there are hundreds of thousands of people in this country, and not every one of them is going to sit behind a computer terminal the rest of their life and work. They want to be welders. They want to produce steel. They want to produce automobiles. They want to cut men's suits like I am wearing tonight that, by the way, was made in Chicago, Illinois, by working men and women.

So I would just encourage everybody this evening as we have this debate on trade that, from my perspective, I ran on this issue, and I am going to be a Congressman on this issue. I am not going to vote for a trade deal that is going to send one more job overseas. I am not going to vote for a trade deal that abdicates the responsibility, and to go back to my district and as some people say, well, you know, we are in a global economy. It is high tech. Well, I understand I am in a global economy. I wasn't born yesterday. But I also know, to those men and women from Maytag that don't know what they are going to do for their health care now that it is gone, for health care, their pensions that are on the line that they are losing, those people from KSIH that lost their jobs simply because they happen to be a union plan and maybe made a bit too much money; I say to those folks that, today, this Congress needs to stand up for working men and women. It needs to say we want trade in this country. We will work very hard to make sure that we have the ability to export our products, but at the same time, the one product that we are no longer going to export in this country is the men and women and their futures and their children, because there is no place for that in fair and free trade.

With that, I just want to thank the gentleman for allowing me to speak this evening for a few moments on this issue. I believe very deeply in this. The great news about being a freshman is sometimes we don't come with the best prepared speeches. I think we speak a lot from the heart. But I can tell you this much, from a former clothing perspective, in our union, there is a movie called, ''The Inheritance,'' that talks about how the union was formed. And at the very end of it, a little old man looks into the end, and I would say to our friends on the other side of the aisle who don't want to work with us on this straight policy, he says, ''You think this is the end? My friend, this is only the beginning.''

This 1-hour tonight is the beginning of changing trade policy in this country and in this Chamber. And I am honored to be part of it.

Mr. MICHAUD. I thank you, Representative HARE, for your leadership role in this as well.

If I understand your comments correctly, you are not against trade deals, but you want to make sure that they are fair trade deals. And I really appreciate your perspective. But especially just coming off of a campaign, being a freshman Member working up in your State of Illinois, you know what is going on.

I think, all too often, once people get here in Washington, D.C., they tend to forget what is really happening in reality. And reality is, we have lost over 3 million jobs nationwide because of our unfair trade deals, and we have got to bring equity back in that. So I really appreciate your leadership in that role and look forward to working with you as we move forward to make sure that we do have fair trade deals here in this Congress.

It is now my great pleasure to introduce another freshman Member who has also taken a leadership role, from Iowa, Congressman BRUCE BRALEY.

Mr. BRALEY. I would like to thank my friend from Maine, and also my friend from Illinois who happened to bring up the issue with the Maytag jobs. And I think this leads us to another topic that is not discussed very often in terms of some of the hidden costs of our current trade policy.

The former world headquarters for Maytag was located in Newton, Iowa. And I grew up about 30 minutes from Newton, Iowa. I got my first driver's license at the Jasper County Courthouse in Newton, Iowa. Over 150 years ago, my great, great grandfather, George Washington Braley, walked from up in your neck of the woods from Vermont all the way to Iowa and settled in Jasper County. And Maytag has been a foundation of the economy in Jasper County for many, many years, and Mr. HARE talked about the plant in Illinois, the Maytag plant that lost many of its jobs to Mexico.

What happened about 10 years ago was, in an effort to develop competition between competing Maytag factories for the Neptune washers, it was decided that there were going to be incentives offered by the State of Iowa and the State of Illinois in the competition to keep those jobs in America. And so the legislature in Illinois and the legislature in Iowa both went to work to pass special tax statuses for expensing of manufacturing equipment to make it more attractive for those companies in Iowa and Illinois to be able to compete for these new Neptune washers.

Unfortunately, as we have seen, that competition was short-term only. And the Maytag headquarters no longer exists in Newton, Iowa. The Maytag jobs in Illinois have now left for Mexico. And we are seeing the impact that this trade policy that we have pursued for the past decade is having on American workers.

And, like my friend from Illinois, nobody I talk to, my friends in labor, my friends in small businesses and manufacturing, thinks that trade is a bad thing. We need to encourage trade, because that is what creates job opportunities for American workers. What we are talking about is making sure that our trade policies are fair and balanced. And one of the unique things that I have seen since I came here is that we seem to see more and more small- and medium-sized manufacturers and labor coming together and talking about a need for a comprehensive reform of our trade policies.

One of the things we know is that the Constitution gave this body, Congress, an important role to play in international trade, and one of the problems with the fast-track trade promotion authority that previous Congresses gave to the chief executive was that, in a sense, it involved an abdication of our responsibilities to be an active partner in setting trade policies. And what that means is that we have also abdicated some of our responsibilities to the workers of this country, to the workers of international countries where trade laws and workers rights are not held to the same high standards they are in the United States. We have penalized American manufacturers because of environmental regulations they are required to comply with in this country that are not imposed upon foreign manufacturers. And we have seen the exploitation of workers and human rights in other countries that allow goods to be produced at slave labor conditions and severely undercut the market for those goods on the international economy.

□ 2100

So I am here tonight with my friends to talk about why it is important that, when we go forward from this point, looking at the trade policies, not just for the current administration, but for future administrations, no matter which party happens to occupy the White House, it is important for us to look back on the historical role that Congress has played in making sure that our trade policies reflect the same basic values that made this country great in the first place. And so that is why I am here to talk about how we, as a body, have to step up to the plate and share our fair share of this responsibility moving forward.

And to my friend from Maine, where I know these policies have had a dramatic impact in a lot of different manufacturing and foreign good sectors, I would like to yield back and ask about some of the difficulties that his constituents have encountered in this same area.

Mr. MICHAUD. Well, I thank the gentleman for his discussion on this issue. You brought up a very good point. You had mentioned fast track. And I think what a lot of people don't realize is the fact that fast track only allows Congress two options, to vote ''yes'' or ''no.'' We have no options to amend this trade deal. We just have to vote ''yes'' or ''no.'' And we are abdicating our responsibilities by allowing fast track to occur, which hopefully, with a new Congress and a new direction, when we look at trade deals, we will be able to change fast track so that we can have an opportunity to make sure that we do have fair trade deals.

Mr. BRALEY of Iowa. Would the gentleman yield for a question?

Mr. MICHAUD. I yield.

Mr. BRALEY of Iowa. Were you serving in this body when fast track was authorized?

Mr. MICHAUD. No, I was not. I was serving in the Maine legislature, and I was opposed to it then. I am opposed to it now, especially when you see what damage fast track has caused to this Nation, what it has caused to our manufacturing. Maine alone, over the last 6 years or so, we lost 23 percent of our manufacturing base alone in the State of Maine. Certain labor market areas had unemployment rates over 30 percent. It has really devastated the State of Maine because of these unfair trade deals, and it is all related to the unfair trade deals.

Mr. BRALEY of Iowa. We know from history that timber has always played an important role in the economy of your State. How has the timber industry been affected because of what is happening in the global marketplace for timber and lumber sources from other areas that don't have to comply with the same types of restrictions we talked about earlier?

Mr. MICHAUD. As far as industries in the State of Maine, timber, the paper industry have definitely been devastated the most when you look at trade deals. We just actually had a few weeks ago Moosehead Manufacturing which closed its doors because of the imports from China. So it has had a negative impact primarily in the paper and in the timber industries.

Mr. BRALEY of Iowa. One the things that we often don't talk about when we talk about the loss of jobs overseas is the direct impact it has on the communities where those jobs depart from. And one of the things that we know, in talking about the sad story of Maytag in Iowa, is that at the time Maytag still functioned with its corporate headquarters in Newton, Iowa. They contributed almost $1 million a year just in property taxes alone to the city of Newton and Jasper County. That is just one small component of the many intangibles that we don't talk about with these trade policies and how they impact the communities that we represent over the long term.

One of the other things we know is that a lot of people who work in those good-paying jobs take on leadership roles in their communities as volunteers, as coaches, as mentors; and when they have to leave because they don't have a place to work anymore, all of that intangible benefit that contributes to the quality of life in a community leaves with them. So I think that sometimes we focus too much on the pure economic costs of these jobs that go overseas, and not enough on the real human costs that goes along with them.

Mr. MICHAUD. You are absolutely right. As a matter of fact, when you look at what is happening, a lot of municipalities, their primary business has been hit because of unfair trade deals. It has that rippling effect to other businesses within the community, but also the family structure. When you look at the fact that when Mills filed bankruptcy, and I have seen it in my own town, the divorce rate actually goes up. The alcoholism goes up, and you are losing that structure, and that is why we have to make sure that we do have fair trade deals.

As we heard earlier today from Congressman HARE, he is not against trade deals. He just wants to make sure that they are fair trade deals. And that is

what we have to do as a Congress is to make sure that we do have fair trade deals.

I am very pleased to see that a lot of Members, new Members of Congress who have just come off the campaign trail, when they were campaigning, they were talking to their constituents, and they heard a lot about loss of manufacturing here in this country because of the trade deals. So I am very pleased to see that we have such a large group of freshmen Members on the floor this evening to talk about trade deals and what they are doing to this country, or what they are doing to their individual districts.

Mr. BRALEY of Iowa. I think a good example of that was one of the first things I did after becoming a Member of Congress was look at caucuses I could join that were going to be beneficial to the constituents that I represent in my district. One of the caucuses I joined was the Steel Caucus because there is a steel plant that has a direct economic benefit to employees in my district.

And one of the things I was struck by at the meeting that I went to, a breakfast meeting of the Steel Caucus, was it was bipartisan. There were representatives of the steel industry, of labor, and everybody was there to talk about the same problem, and that was cheap steel from China flooding the U.S. and international markets.

And one of the things that came up during those discussions, again in a bipartisan sense, was the myth of the so-called level playing field, which is that U.S. manufacturers who play by the rules, provide good, high-paying jobs with decent benefits, comply with environmental regulations, treat their workers fairly, are not on a level playing field when it comes to competing with Chinese competition and other parts of the world economy because other countries do not play by the same rules.

So I think one of the things that we need to be talking about here is how we can work in a bipartisan spirit to develop those coalitions that have a direct benefit for American workers, American manufacturers, American employers and consumers of these products, because we all are literally in this together.

Mr. MICHAUD. You are absolutely right. And actually speaking about in it together, we have been joined by another freshman Member from Pennsylvania, freshmen Member JASON ALTMIRE, who has also taken an interest and a leading role in the whole trade deal. I would like to yield to Mr. ALTMIRE for his comments.

Mr. ALTMIRE. I would like to thank the gentleman from Maine for his leadership on this issue. This is a critical issue.

And you mentioned a lot of us are freshmen, like the gentleman from Iowa, who are just coming off the campaign trail from a few months back. And I come from a district in western Pennsylvania, just north of Pittsburgh, and I have six counties going along, three of them go along the Ohio line, and the other ones go just north of Pittsburgh. And I would think you would be hard pressed to find a district in this country that has seen more damage done by the global marketplace than Pittsburgh over the past 30 or 40 years, and more recently over the past dozen or 15 years since NAFTA was passed in 1993.

And just for some historical perspective for what I am going to talk about, and I know you have mentioned it already, the country as a whole lost three million manufacturing jobs since NAFTA was agreed to in 1993. And that is one out of every six manufacturing jobs that existed in this country at that time. I don't think we can draw any other conclusion but that that was not beneficial to this country and had the effect of job loss. I mean, it is self-evident.

Now, manufacturing jobs are disappearing in Pennsylvania as well. We can trace about 100,000 jobs lost in Pennsylvania as a direct result of NAFTA. And of course when you get into indirect result, that number is much higher.

Now, there has been a loss of 210,000 manufacturing jobs total, 24 percent decrease in the State of Pennsylvania over just the past 6 years. That is total. That is not just NAFTA. That is all these trade agreements. So we have lost a quarter of our manufacturing jobs in just the past 6 years.

Now, in my district just last week, this has unfortunate significance that just last week we lost 85 workers from Wheatland Tube, a large manufacturing plant in my district; 85 workers were released on February 26. And this is just the latest in a series of downsizing that has taken place there.

And I would put in a mention of Congressman TIM RYAN from Youngstown, who is very involved in this issue as well. And he came over to Wheatland Tube with me during the campaign, and we met with some of the workers and the leadership there at that time, and they expressed their concerns about China and their inability to compete in a fair way with what is happening in China. And here we see only a few months later that 85 workers have now lost their jobs as a result of what is happening.

And I would mention this quote from the vice president from Wheatland Tube last week. He said, ''We are not seeing relief from Chinese imports, and we are not going to sit around and wait for that relief. We need to right-size the company.'' And this is just one example.

Again, I have six counties in western Pennsylvania, and we are seeing this certainly all over the district and all over western Pennsylvania. But right there at Wheatland Tube, unfortunately, it hit home just last week.

Now, the onslaught of foreign subsidized goods that are illegally dumped in the U.S. is just one of the many problems that we are seeing that has not been addressed by this administration. And certainly these trade agreements are doing nothing about this. And the administration that has put forward CAFTA and some of the other more recent trade agreements continues down the same path.

And I can tell you that, with the possible exception of health care, there was no issue over the 18 months I spent on the campaign trail that came up more often and was of greater concern than these trade agreements in western Pennsylvania. So the American people have spoken on this issue. I can tell you, for sure, they spoke in my district, and I know they spoke in Mr. BRALEY's district. And we are going to hear from Congresswoman SUTTON later and Mr. ELLISON as well.

I think this is an issue whose time has come. It cannot be ignored any longer. These trade agreements have been detrimental to America. And none of us are saying we should bury our heads in the sand and ignore the global marketplace. What we are saying, as Mr. HARE eloquently put it earlier, is that we need to have trade agreements that represent fair trade. And fair trade means having the trading partner make some effort, at least an effort, to come into compliance with environmental laws, with workers' rights, certainly child labor laws. These are things that have been completely left out of these trade agreements. So we find ourselves just giving away the store and shipping those jobs overseas, as Dr. KAGEN's chart so eloquently illustrated.

Mr. BRALEY of Iowa. Will the gentleman yield for a question?

Mr. ALTMIRE. I would.

Mr. BRALEY of Iowa. I know the gentleman from Pennsylvania has a fondness for college football so I am going to root this question in that. One of the great football players at Iowa State University when I attended there in the mid-to-late 70s was a gentleman named Tom Perticone from Clareton, Pennsylvania. And while Tom was playing football at Iowa State, the movie ''Deer Hunter'' was very popular, which was filmed in and around Pittsburgh general area, and also near Clareton. And one of the things that film depicted so well was the whole culture of the community where a life's history has been devoted to a particular industry and how everything revolves around it. And we have seen that in my home community of Waterloo, Iowa, near the old Rath Packing Company, where a virtual community of businesses and services formed around the factory, and everyone's lives were tied up in that.

And I was hoping that you might be able to shed some light on the very real, personal toll on the culture of those communities in your district that have seen this dramatic shift, and how employment is available to the people who graduate from high school and don't have the same opportunities they did 15 years ago.

Mr. ALTMIRE. Well, in a word, it has been devastating, and we have seen the results. I talked about Wheatland Tube. I grew up about 100 miles from that plant, in a river town that was across from a big Allegheny Ludlam plant, which is where all the families worked. If you lived in that town, that is where you worked. And, unfortunately, things have not gone so well over the past couple of decades, both at that plant and another Allegheny Ludlam plant that I have in my district, and much of it has to do with these foreign trade issues. And as a result, now, when you travel through these communities, they used to be so vibrant and had a downtown that you could go through and it was hustle and bustle and there was activity. A lot of them now are ghost towns because we have seen the impact and the job loss that has resulted from the downfall of the steel industry 20 and 30 years ago, but more recently, the other heavy manufacturing that has been shipped overseas.

□ 2115

So it has been devastating to these communities, and you would only need to take one drive through much of my district to see the impact, because you can see the remnants of some of those plants. In many cases, they have been razed, and it is a brownfield site. But you can see the difference, and you can imagine what it used to be like 30 and 40 years ago and, in many cases, more recently.

I was just going to wrap up my portion by talking about what is coming next before us. And, again, none of us oppose the idea of trade. Fair trade is beneficial to both parties by definition. That is what we are talking about. But as the administration puts forward the Peruvian Trade Agreement, Colombia, Panama, and certainly fast track renewal, which the gentleman from Maine was talking about, we need to consider the fact that Congress, Representatives of the people, need to play an active role in these trade agreements. And, unfortunately, that has not been the case, which is why we have ended up with such one-sided agreement. So, as we consider those issues with Peru and Colombia and Panama and Presidential fast-track authority, I for one am going to support the working Americans of this country for fair trade practices.

Mr. MICHAUD. Mr. Speaker, I thank the gentleman from Pennsylvania.

I really appreciate your willingness to come to the floor this evening. I know you care deeply about this issue, where it has affected your district dramatically, and your willingness to speak up for the working men and women and businesses here in this country to make sure that they have a fair shake at these trade deals. So thank you for your leadership. I look forward to working with you as we move forward to deal with these issues.

Now I would like to recognize a gentleman from Minnesota (Mr. ELLISON), who is also a member of the freshmen class, but he brings a uniqueness from the State of Minnesota as far as the effect that these unfair trade deals have had on the State of Minnesota and the businesses and the working people within Minnesota.

I yield to the Representative from Minnesota.

Mr. ELLISON. Mr. Speaker, let me thank the Member from Maine for his excellent leadership, looking out for the hard-working people of this whole United States.

It is true, I am honored to come from the Fifth Congressional District of Minnesota, but as I stand before you tonight, Mr. Speaker, I am honored to associate myself with the Member from Maine, with the Member from Ohio and Pennsylvania, because working people all over America need a fair trade and balanced trade situation. We can no longer abide doing trade deals which essentially support environmental policies that degrade other nations, that degrade workers in other nations, and that degrade human rights in other nations, and then thereby give other nations a competitive advantage over us because of the exploitation and ignoring important environmental regulations. And it is all very important because we need leadership tonight, Mr. Speaker, leadership which is willing to stand up and be counted for the American people, leadership which will not go with the wind but will actually change the wind. That is the leadership we need at this time.

Let me say that we need a trade policy that does three things, basically: respects workers' rights and their dignity; protects our fragile environment; and upholds basic human rights. Today's trade policies in America do only a few of those things but very little of what we need.

What we see is a continual erosion at the very heart of America: the middle class. It started first with the elimination of our manufacturing jobs. And I now represent Minnesota, the Fifth District of Minnesota, but I started life out in Detroit, where I saw plants closing on a daily, weekly basis, and I saw jobs outsourced on a weekly basis. But now what we see is a situation in Minnesota where that has taken hold and we see jobs leaving left, right and center, and it has got to stop.

The global economy has evolved to a large extent and is reminiscent today of the Robber Baron era, where huge transnational companies scour the planet for the cheapest, most exploitable labor and the most lax environmental standards. We have the opportunity to change that in Congress, and we must change it.

But what kind of global economy do we want? The answer to that question must be determined and will be determined to a large extent by the rules incorporated in free trade agreements that define so much of the global economy. By what we decide in this Chamber, we will determine the shape of the global economy.

If we want sweatshops in the global economy and the continued erosion of our middle class, we could continue negotiating and passing trade deals with no protection for workers or the environment. Trade deals that threaten the prevailing wage laws. Trade deals that could force us to privatize public services.

But if we truly believe in a global economy that lifts the living standards at home and around the globe, one that seriously values the environment on which all life depends, then what we must do is we must do better. If we want a better global economy that lifts standards everywhere, we need to change our approach to trade agreements as we enter into this fast-track arena coming up.

First, we need to put an end to the fast-track trade negotiating procedure which previous Congresses have ceded to the Executive branch. The Founding Fathers wisely delegated that role exclusively to the branch of government closest to the people: the Congress. And we have the perfect opportunity to take back our constitutional responsibility by allowing fast-track promotion authority to expire in June. We can and will put forward a different, more humane method of negotiating international trade agreements, but it is time for fast track to die a rightful death.

Secondly, we must stop passing more trade deals designed to spread the sweatshop model of the global economy. It has become clear that NAFTA, after 13 years of real-life experience, has not worked. It has cost us a million manufacturing jobs, left Mexican workers without rights and still working for wages far below the Mexican poverty level. It has displaced more than 1.5 million Mexican farm families, leaving many with no alternative but to migrate north for a better life.

The same applies to CAFTA and the pending Peru and Colombia ''free'' trade agreements. Colombia is distinguished by being a country where trade unionists are assassinated more than in any other nation in the world.

Instead, we can construct a new global economy built on generosity and inclusivity; one that raises living standards and supports the vast and growing global middle class. But we can only do it by casting off the failed policies of recent decades and by building the middle class.

The choice is ours. The choice is clear. It is time to reclaim Congress's free trade authority and our country's, and the world's future.

Mr. MICHAUD. Mr. Speaker, I thank the gentleman from Minnesota.

And we will work closely with you as we move forward to make sure that what trade deals we do pass in this Congress are fair trade deals. I want to thank you very much for your leadership and interest in this area.

Mr. ELLISON. Fair trade.

Mr. MICHAUD. Mr. Speaker, I now would like to yield to an individual

who is also a member of the freshmen class but an individual who definitely has done a yeoperson's job in dealing with this trade issue. She knows the trade issues inside out. She has been a leader. She has organized the freshmen class to send a letter to the chairman of the Ways and Means Committee, Mr. RANGEL, because of the concerns about trade.

And, Ms. SUTTON, I want to really thank you from the bottom of my heart for what you bring to this whole debate as we debate the trade deals, and I look forward to working with you over this Congress to move forward to make sure we have fair trade deals.

So, Mr. Speaker, I now yield to Ms. SUTTON.

Ms. SUTTON. Mr. Speaker, I thank the distinguished gentleman for those kind remarks and for yielding.

I thank you also not just for your leadership on behalf of the Members here, but I thank you for your leadership on this issue for the people that I represent, the good and fine folks of Northeast Ohio, from Lorraine to Akron to Barberton. This is so meaningful and so important, what we are doing here tonight and what we need to do, this Congress, to ensure that they have a better chance in this world.

It is crystal clear, not just from the discussion tonight but from what we see when we go home to our districts and we look across America, that our trade policies are not benefiting America's workers and America's businesses as they should. And there is a lot of angst and anger out there. People are really concerned.

The trade policies don't work for the average folks, but they also don't work, and I have to emphasize this, for American businesses as they should.

Working families in my congressional district in the State of Ohio and our Nation continue to face mounting job losses and a tumultuous economy. We have heard the numbers before, but they bear repeating.

Since 2000, we have lost 3 million manufacturing jobs nationally. And, unfortunately, 200,000 of those jobs have been from my home State of Ohio.

Now, it is clear that Congress needs to act. When things aren't working, we should change direction. And that is why I am so proud of these new Members whom we have had the opportunity to hear from today and the leadership that they are exhibiting to take this Congress and this country into a direction that will work for the American people. We can't stand idly by and watch our jobs go overseas and our families suffer at home and our trade deficits soar.

I want to point out that I, like so many of the others who have spoken before, feel it is very important to say I am not opposed to trade. You know, sometimes when we start having discussions like this, people try to pit you into one category or another. They like to say you are either for trade or you are a protectionist.

Well, this is not a question about protectionism versus trade. This is a question about the rules of trade, and this is a question about what rules we think should be in a new trade model that will allow for trade to be engaged in fully and fairly by this country but require that others play by the same rules.

Trade can benefit American businesses and workers, and it can be a tool to help developing countries that are looking to access our markets. I hold out hope, and I hope it bears out, that I will have the opportunity in this Congress to vote for a trade agreement that lifts up our working families at home and abroad; a trade agreement that protects our environment at home and abroad; and a trade agreement that has strong and enforceable provisions, ensuring that all partners are playing by the same rules.

Now, we have heard some discussion about fast track already this evening. And my colleague Representative BRALEY and Congressman MICHAUD, you have identified this as such a critical issue coming up very quickly, set to expire in June. And I can tell you that, on behalf of those I represent in Northeast Ohio, I, for one, will not be supporting its renewal.

Fast track has been a raw deal for many American workers and businesses. Fast track takes away the accountability and oversight that Congress has been given under the Constitution to deal with trade. And, frankly, it has left us in a position with misguided and downright shameful trade policies that we have today.

If we had not had fast track, Congress could have been in a place to play a significant role in shaping the trade agreements while it still might have made a difference. The problem with fast track is, by the time it gets here, all we get to do is say whether we are going to vote ''yes'' or ''no'' for what is a bad trade deal.

We need to move in a new direction on trade. It is a moral imperative, and our fight begins with ending fast track. But there are other concerns that we have talked about on the trade horizon, such as the deals with Peru and Colombia and Panama. And these agreements, they have been modeled after the same flawed model that NAFTA gave us. And NAFTA was responsible for 50,000 jobs losses in Ohio. It is no longer hypothetical. We don't have to wonder what is going to happen with NAFTA. NAFTA has been a disaster for the people I represent and for this country.

So while we continue to get these harmful trade agreements forced down our throats, we have failed to address many of the trade problems we face with China and Japan and Korea and others. And while our trade deficits soar to the tune of a record $800 billion, which I have to tell you is not a record we should be happy with, with these nations, our wages in our Nation stagnate and hundreds of thousands of jobs have been displaced.

What is it about these failed trade policies that those who continue to push them don't understand? This is not acceptable, and we cannot allow this race to the bottom to continue.

□ 2130

I thank the gentleman very much for his leadership. I thank you on behalf of those I represent. I will continue to work with you as much as I possibly can to develop a new trade model, one that will work for American workers and businesses.

Mr. MICHAUD. Mr. Speaker, I thank the gentlelady. You are absolutely right, it is these flawed models that continue to come up after the NAFTA model and all these other trade deals. Until you change that flawed model, we are still going to get these bad trade deals continuing.

You mentioned the Colombia Free Trade Agreement. I don't think there is any fix for this agreement. I think it is highly offensive that the Bush administration would even negotiate with a country that is infamous for the highest rate of trade unionist assassinations. More than 2,000 labor union activists have been murdered in Colombia since 1990; 60 assassinated in 2006 alone. I think that is just unconscionable.

I agree with Congressman Sandy Levin when he says that we have to look at these flawed models that are out there. These side agreements that people are talking about, they are not going to work. They don't have the force of law.

I think we definitely have a long ways to go before we have trade deals that I can support. And with the freshman class we currently have under your great, fantastic leadership, I applaud them, and encourage that each and every one of you continue to speak out on this issue, because it is an issue that is important to the American people, it is an issue that is important to our businesses, workers in this country, but it is also an issue that is very important when you look at our security and immigration.

When we heard the NAFTA discussion, when they passed NAFTA, we were encouraged; I was not here, but Members were encouraged to vote for it because it would help with the illegal immigration problem with Mexico. The problem has not been solved. It has gotten worse because the NAFTA agreement has not worked the way it was supposed to work.

So I look forward to working with you and the rest of the freshman class, along with other colleagues who are interested in this trade deal.

Speaking about other colleagues, another gentlelady from Ohio as well, Congresswoman KAPTUR, who has also been a strong leader in the trade debate over the past 5 years that I have been here, and she has been a tremendous advocate for making sure that we have fair trade deals, I see she has some charts up there with a lot of red

ink. I assume that is probably the trade deficit that she is going to talk about.

I yield to the gentlelady.

Ms. KAPTUR. Congressman MICHAUD, Congresswoman SUTTON and Congressman BRALEY, I wanted to come to the floor tonight and say it is so wonderful to have you here in this beloved House, to try to course correct on a direction that the United States has been heading in the wrong direction now for over two decades. And with the new energy that you represent and the new leadership, I have no doubt that when fast track comes up for reauthorization later this year, we are going to stop it dead in its tracks and begin turning our country around again.

I just wanted to run to the floor just for a couple of minutes to put some notes in the RECORD and to say that for 23 years Congress has really doled out to the executive branch our trade-making authority under Article I, section 8.

If you go back to 1975 when fast track was first passed, the United States had trade balances up until then for almost the entirety of our history. Then as you look at each succeeding agreement, whether you go to 1993 and NAFTA, we were already amassing trade deficits after the first fast track was passed back in the seventies.

Then when PNTR with China was passed, plus NAFTA, plus all the other agreements that were signed, we moved into the most historic deficits represented by the lost jobs that Congresswoman SUTTON talked about, that Congressman BRALEY talked about, Congressman MICHAUD you talked about and personally lived through.

So we have seen real wages stagnant with those jobs lost. We have seen our jobs move overseas to the lowest-wage countries in the world, the most undemocratic. We have seen child labor flourish. We have seen bonded labor come back into our country as a result. We have global warming taking hold as our environmental regulations are really overturned under agreements like NAFTA. Illegal immigrants stream across our borders because they are treated like they have no value in their home countries. Our trade deficit continues to soar, and the drug trade locks in heavily.

So I wanted to come down tonight and present some of these figures and say that there is a pattern to history now. You are like the second wave. You are coming in here. Those of us who fought so hard against NAFTA in 1993, those of us who tried so hard to course-correct, we never had the votes. Unfortunately, it was so close; it was so very close. But people hadn't lived the washout. You now represent places that have experienced the results of this.

So we look forward to this coming vote this summer. It is such a joy to have you here, and I just wanted to thank you for your really determined leadership and for the people who voted you here so that you could come to Washington and make a difference. We so very, very much need your voices here.

When Fast Track expires at the end of June this year, Congress can reclaim our authority granted by Article 1 Section 8 of the Constitution "to regulate commerce with foreign nations." For 23 years, Congress and the working class watched the executive branch commandeer U.S. trade policy. We also saw real wages stagnate, American jobs move overseas, child labor flourish, global warming take hold, illegal immigrants stream across our borders, our trade deficit soar, and the drug trade thrive.

Like many of us here, I receive thousands of letters, phone calls, and e-mails from my constituents asking me to take action on these important issues.

While there is no one cause for any of these problems, Congress cannot ignore how U.S. trade policy impacts the full range of issues affecting Americans and the world. Congress must respond to the American people who demand action from us.

Congress has yielded enough power to the executive branch. If we renew Fast Track and continue to cede our Constitutionally-granted authority, we will only render ourselves more helpless in the face of a broken immigration system, economic instability, an environmental crisis, and a burgeoning drug trade.

Our previous trade agreements may not have been the sole causes of these emergencies, but trade policy is the key to solving them.

Congress needs to examine the root causes of our immigration problem and the exploitation of workers across the Americas. When the leaders of U.S., Mexico, and Canada signed NAFTA 14 years ago, they turned their backs on working men and women across the continent. The agreement continues to chip away at the U.S. economy, leaving millions jobless and accumulating a staggering and growing trade deficit with Mexico, now totaling a record $64.1 billion for 2006. At the same time, NAFTA ravaged the Mexican economy and destroyed the farming and agricultural sectors. This so-called "free trade" agreement has prompted hundreds of thousands of Mexicans to look for an escape from their worsening destitute circumstances to the U.S., and in doing so they risk their lives, the unity of their families and their futures.

U.S. trade policy upsets more than just our immigration crisis. Our faltering trade policy has also contributed to the global environmental emergency. When the Bush Administration entered into CAFTA, they did so with countries which rarely enforce their already limited environmental policies. Many of my constituents have already contacted me about the devastating environmental consequences of the Peru Free Trade Agreement. How can Congress fight global warming in the U.S. while allowing our trade rivals to destroy the rain forests and retain lax emissions standards? We must use trade as a tool to protect the environment, not to pillage it.

Lopsided flawed trade agreements weaken our economy. Since NAFTA's passage, over one million U.S. jobs were sucked into Mexico. Because of PNTR, more than 1.5 million jobs shipped out to China. After two centuries of trade surpluses, NAFTA ushered in an era of soaring trade deficits, even after proponents promised us bigger surpluses.

More recently, President Bush's trade policy in particular has caused more damage to our trade accounts. The trade deficit has climbed to record numbers each year since he took office in 2001. From $362 billion his first year to a whopping $763.6 billion last year, this President has been selling the U.S. to the highest foreign bidders.

Our constituents are calling Congress to action. Without the authority to regulate commerce with foreign nations, Congress cannot effectively respond to these crises.

Congress must stand for free trade among free people, and ensure that all Americans have access to middle class jobs at middle class wages with health and retirement benefits that cannot be rescinded. We must oppose Fast Track, reclaim our negotiating authority from the executive branch, and answer the pleas of the American people.

Mr. MICHAUD. Mr. Speaker, we are headed on a collision course. If you look at our budgetary deficit, we have the largest budgetary deficit in our history. The debt limit was increased to $9 trillion. We have the largest trade deficit in our history, which continues to rise because of these unfair trade deals. And if Congress does not get a handle on both the budgetary deficit and our trade deficit, we will no longer be the superpower that we are today.

When you look at our budgetary deficit, over 45 percent of that is owned by foreigners, China being one of them. If you look at our trade deficit with China, we saw charts earlier where it is skyrocketing.

When I hear my colleagues talk about the fact that we are going to put trade assistance funding in there so that we can retrain workers, they don't want trade adjustment assistance. They want their jobs. That is very important for them.

Ms. KAPTUR. Mr. Speaker, if the gentleman will yield further on that point, recently, about a week ago, Hershey Chocolate announced it was going to move its operations out of Pennsylvania to Mexico. They have already been testing those Hershey Kisses, those big ones they are making down there now and the taste has changed. I am thinking, where is the old Hershey bar that used to taste so good?

You look at all the jobs in Pennsylvania associated with all the dairying that goes on and then the processing. They say that they are going to save the tourist center, but it won't be real any more, because the jobs won't be there, both in the plant itself and in the countryside that provides the raw product into Hershey.

So you ask, why are we allowing ourselves to be hollowed out like this? Wall Street is really in a pitched battle with Main Street across this country, and we have to fight here to save those middle-class jobs.

Mr. MICHAUD. Absolutely. Congresswoman SUTTON mentioned earlier the fact this is not just a workers' issue; it is a business issue. The United States Business and Industry Council has been very supportive, very helpful with the Kaptur trade deal. They are going to be very helpful I think when you look at fast track and other areas. So this isn't

just working people issues; it is business issues. A lot of people try to put workers against business. It is not that issue at all. It is these unfair trade deals.

I would like to ask Congresswoman SUTTON a question, if I might. How would you address this issue: We hear all kinds of times the issue, you are a protectionist. What is your response to that?

Ms. SUTTON. Well, again, this is the way those who like what is going on with our trade deals, and those would be more or less the multinational companies who are very involved in helping to push them, whenever we start talking about this and the real impact and the real effects, they like to call you names like protectionist.

That is how they shut the debate down; but we can't allow that to happen, because, again, this is not a question of protectionism versus trade. It is a question about what are the rules of trade going to be.

We just have to keep saying that, because there are going to be voices out there that would like people to believe otherwise. But all we are talking about is what kind of rules of trade do we believe should be engaged in.

Mr. MICHAUD. That is very good. I know we are running out of time. I do want to thank you, Congresswoman SUTTON and Congresswoman KAPTUR, for your leadership in this role, and I really appreciate the hard work that everyone is doing on this issue, especially our freshman class.

As Ms. KAPTUR had mentioned, the freshman class has really come forward and really taken on this issue, taken an interest in this issue, I think primarily because you just came off the campaign trail. You heard what people were talking about out there. It is important for Members who have been here for a while to listen to you as freshman Members because you definitely have a lot to talk about when it comes to this trade issue.

We have seen it firsthand. As I mentioned earlier, I worked at the mill for over 28 years, and I have seen firsthand what NAFTA has done to my town, my community, to individuals who worked in the mill.

So I want to thank each and every one of you for taking an interest in this very important issue.

Mr. KILDEE. Mr. Speaker: I am proud to join many of my House colleagues today to present a strong voice in opposition to renewing Fast Track trade negotiating authority in any way, shape or form.

Fast Track allows the President to negotiate trade agreements without input from Congress. In addition, Congress is prohibited from amending any trade agreements reached under Fast Track authority.

Cynically repackaged as "trade promotion authority" in 2002, under President Bush's watch, Fast Track has been utilized to unjustifiable ends. Wages are flat, our trade deficit has skyrocketed and good-paying manufacturing jobs have been lost by the thousands.

Increased imports from low-paid workers abroad, combined with threats made to workers by companies to move operations overseas, drive American workers' wages down. Through the 1950s and 1960s, the American middle-class grew and prospered. In 1973, the average U.S. worker made $16.06 an hour. Today, after adjusting for inflation, that same worker would make only $16.11 per hour.

In stark contrast to hourly wages, average U.S. worker productivity has nearly doubled over the same period. Clearly, the divide in America between the "haves" and "have-nots" is growing, and the richest few, along with multi-national corporations, are the big winners under our nation's flawed trade policy.

Up until 1973, the U.S. experienced relatively balanced trade, with small trade surpluses being the norm ($1.9 billion surplus in 1973). Since Fast Track was granted in 1974, the U.S. had a trade surplus in just one year (1975). Now, in 2006, our nation's trade deficit has skyrocketed to over $760 billion.

Our trade deficit has more than doubled since President Bush took office. For 2001, our trade deficit was $362 billion. Last year, our trade deficit reached yet another new record high at $764 billion.

Since WWII, good paying manufacturing jobs have been the driving force behind our nation's robust middle class allowing families to own homes, send their children to college and gain access to quality, affordable healthcare.

Since President Bush took office, the U.S. has lost 3 million manufacturing jobs. Michigan alone has lost 213,000 manufacturing jobs, or about one-quarter of the state's manufacturing jobs.

My record is clear. I voted against the Trade Act of 2002, which mistakenly granted this Administration "trade promotion authority." Now, it is time for Congress to put the brakes on the Bush Administration's failed trade policies and come to our senses to realize the damage done. First, we must not make matters worse. Congress should reject the pending free trade agreements with Peru, Colombia and Panama. My colleagues should not be misled. Fast track trade negotiating authority is not required to negotiate or approve free trade agreements.

Second, we need serious, thoughtful review of our nation's trade policies and their impact on wages, jobs and our trade balance. Pitting American industries against one another, political gamesmanship, and manipulation and sloganeering must come to an end so that Congress and the Administration should get down to business.

The United States is a world leader, and we must enact trade policies that truly encourage positive standards and quality of life for both the United States and our foreign partners. Reject renewal of Fast Track trade negotiation authority, so we can get back to sensible and fair trade policy.

SOLUTIONS TO TRADE PROBLEMS

The SPEAKER pro tempore (Mr. ARCURI). Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I have had the privilege to be seated here in this Chamber and listen to the presentation over the last probably hour and a half or so. It is quite interesting as I listened to the presentation made by my colleagues on the other side of the aisle and the concern about the imbalance in trade, which I am concerned about, and the argument that we need not necessarily free trade, but fair trade.

As I carefully listened to the 60-minute presentation, I hear some things that are wrong, and I agree with some of them, as a matter of fact, most of them, but I heard no suggestions on how we are going to fix this, except ask the administration to do it better and get it right.

I think it is important for us, Mr. Speaker, if we are going to identify these issues that we are going to call problems that we should also step forward and have the will and the foresight to present some solutions.

So in the time I have had here to listen now, I will just present some solutions that I would have liked to have heard from my colleagues on the other side of the aisle, because I think we ought to be here to fix the problems we have.

First, I don't have quite the same number of trade deficit that the gentlelady from Ohio presented in the poster here just a little bit ago. I recall that 2 years ago, actually now 3 years ago, our trade deficit was a minus $617.7 billion. Last year it was a minus $725 billion. Her number was slightly higher than that. We should by now have the records for the 2006 trade deficit. I have not had access to that number, and I note the gentlelady from Ohio didn't present a number for the 2006 trade deficit, but it had been increasing about 20 percent a year for several years.

I heard no evidence that convinces me that NAFTA is the only reason. In fact, I will submit that there are a number of other reasons that we have a trade deficit. I would challenge my colleagues, join with me in some of these solutions that I will present here.

But before I do so, I am just going to go back and review some of the remarks that were made and then respond to them with solutions rather than lamentations, Mr. Speaker.

The gentleman from Wisconsin called for fair trade. He showed a poster that has a minus $233 billion trade deficit with China. I don't dispute that number. I expect that is as very close, if not as accurate, a number as there is out there. But that is a portion of and not even a majority of our trade deficit that we have from a global imbalance.

Then the gentleman from Illinois made the statement "We need fair trade." Fair trade in fact was called for by I believe every one of the speakers, and at least no one disagreed with that.

Well, Mr. Speaker, I refuse to allow my staff to use the word "fair." In fact, I refused to let my children use the word "fair" as they were growing up, because I know something that most Americans know, and that is anyone who has raised two or more children knows there is no such thing as fair.

If you are going to use ''fair'' and be able to define the word ''fair,'' you have to be talking about a county fair or a State fair or some other type of gathering where people display their wares, because the term ''fair'' is not definable; it isn't universally understood. So one person's idea of fair is another person's idea of a injustice, and it will be ever thus.

We can talk about justice and equity, and we can talk about using the equal enforcement of trade agreements and laws, and I think we should do that; but to even try to define what we would like to do with a term like ''fair,'' we have chosen the vaguest term that there is in the dictionary and the one that submits itself to anyone's redefinition of it.

Also the statement was made that we have no options, we have to vote these fast track trade agreements up or down. That is not true. Yes, they come to the floor as unamendable, but a couple of years ago, maybe 3 years ago, I amended two unamendable trade agreement, and I did so in committee.

□ 2145

These were trade agreements that had to do with Singapore and Chile. Ambassador Zoellick had negotiated immigration agreements into those trade agreements. And so with the wisdom and tenaciousness of the chairman of the Judiciary Committee, the gentleman from Wisconsin (Mr. SENSENBRENNER), we brought those trade agreements before the Judiciary Committee, and although they were unamendable trade agreements, up-or-down, to be voted on, we had a mock markup in committee. And in that mock markup, I was successful in getting two mock amendments put on the mock bill. And when we finished with our analysis of the trade agreements that had been negotiated by the U.S. Trade Representative and had perfected the trade agreements in the process of going through the mock markup, the U.S. Trade Representative then, even though it was supposedly impossible to go back and reopen those negotiations, reopened those negotiations and adapted those two amendments into the trade agreement, and we struck out the immigration language out of the trade agreement. It had no business. It had no place there, and that is one way you can effect a change if you disagree with the trade agreements.

But it sounds to me like the people that are speaking here are against all trade agreements no matter what they might be. They will always be able to oppose any agreement no matter how it is defined because they will always reserve the right to redefine their own term called fair. It will be, it isn't fair. We can't do it because it is not fair. Well, you have to be more specific than that.

As I listened to my colleague from Iowa talk about the Maytag issue at Newton, and that has left a big hole in the central part of Iowa, and I look back on the 34½ years of my marriage, and there has never been anything but a Maytag washer and dryer in my home washing clothes for our family. That is deep in our heritage, and we are loyal to the brand.

But part of the equation also was that, when it came time to resolve the labor disagreements and to settle the salary and benefit and pension plans, the burden of that was just too high to be able to hold the jobs in Iowa. It is too bad, but those were some of the circumstances that no one over here uttered, when you get collective bargaining and it drives the package up so high; when you overplay your hand, you lose the company. You don't have the option to back down, and the union doesn't come forward and say, I will be happy to take a $2 or $5 pay cut, or maybe we will negotiate the health care plan or do a package that has to do with our contribution versus our benefits, defined contributions versus defined benefits plan, that stuff is hard to get when you have a lucrative labor agreement, collectively bargained agreement, those types of agreements could not be resolved favorably to Maytag. That is one of the reasons why we no longer have Maytag centered up in Newton, Iowa. I think we need to talk about that.

Yes, these jobs are going overseas. But, also, Maytag made an investment overseas to go over there and make washing machines to sell to the Chinese. They invested initially $70 million in that plant. And, finally, after some years of trying, they couldn't make it work and pulled out of that investment.

There are many, many different components to these transactions. It isn't just simply American corporations, that they are simply greedy capitalists and that they quickly move our industries overseas. They are reluctant to go. But we set up the burden of taxation and regulation. And then you have the compensation packages of the collective bargaining agreements; and that being the environment here in the United States, having then to compete against the cheaper labor overseas. All of those things work against us, not just the corporations deciding to make a decision that is simply based on greed. That is not so, Mr. Speaker.

Also, the argument, the gentlelady from Iowa said our trade deficits soar, we need a new trade model. I heard no proposal of what that new trade model is. It is criticism, but it is not a solution. We need to provide solutions.

The other gentlewoman from Iowa talked about Hershey is moving out and going to Mexico. I am saddened to see that go. But some of my colleagues who have been here a number of years have had an opportunity to put a fix in place so we could sustain, could have sustained some of these businesses that we are losing, and we could still sustain many of these businesses today if we could get to work and roll up our sleeves and do the right thing for real tax reform.

That would be to simply bring forward H.R. 25, the FAIR Tax. And that eliminates the IRS and the Income Tax Code, so it eliminates personal and corporate income tax. It eliminates the tax on your interest income, your dividend income and your capital gains. And it eliminates the AMT. It takes the tax off your savings and investment, and your pension and Social Security. It does all of those things.

One of the things I would think my colleagues would want to do if they are concerned about the trade deficit, I would think that they would want to border adjust the taxes so we weren't operating here in the United States at a disadvantage, having to put taxes on the cost of our goods and be competing against imported goods from overseas that do not have that tax component in there. That is part of what they are talking about, is unfair trade, subsidized goods was the term used by the gentleman from Pennsylvania, the onslaught of foreign subsidized goods.

Well, they may be subsidized goods, and I am sure there is a definition that can be applied to that, but we do the opposite. We put the tax burden on everything that we manufacture in this country, on materials and labor, and it has to be built in and embedded in the cost of the things that we sell, because corporations, companies that are in business to sell a good or a service or any combination of the two, do not pay income tax. They can't pay income tax. They collect it from people. The end user, the last stop on the retail chain, are the ones that pay the taxes, but it is collected through the companies that sell the goods and the services, and then they transfer it to the IRS in the form of corporate income tax, business income tax and sometimes the personal income tax of the executives and the shareholders as well.

Corporations and businesses don't pay taxes; they collect it from real people. The consumer is the last stop on the retail dollar. Once we can get our minds around that absolute truth, then we can begin to talk about how we can work together to border adjust our taxes and become a more competitive Nation again.

The studies that we have had done indicate that the components boil down to this: On average, 22 percent of a product that is on the shelf for sale here in the United States, 22 percent is the embedded cost of the tax structure that the company that is producing that product has to build into the price. So that says, if you are selling a widget and that widget is a dollar, 78 cents is the cost of the widget and 22 cents is the cost of the tax.

If you put that on some more expensive items, go from the $1 widget to the $30,000 vehicle, and we have millions of dollars worth of vehicles coming into the United States every year. Some of our trade deficit, I can tell you, would be $800 million worth of Mazdas that

come over from Japan every year, made in Japan, put on ships, brought here, off-loaded into the United States and marketed on our dealers' lots, $800 million. As that price goes up, and that is a couple-of-year-old number, we could be into a billion dollars, and that would be one-700th of our entire trade deficit because we are buying Mazdas but we are not exporting Chevys or Fords back to Japan. If we sent a billion dollars worth of Chevys or Fords to Japan instead of them sending a billion dollars of Mazdas to us, then we pick up a two-for, and we reduce that trade deficit by $2 billion, not $1 billion.

But if you put a Chevy and a Mazda on a dealer's lot and each has a sticker price of $30,000 and they are comparable vehicles, comparable quality and accessories that are built into that price so the competition will establish that price and they are selling against each other at $30,000; if we pass H.R. 25, the FAIR Tax and we cease taxing all productivity in America and we put the tax on sales instead of income, a national sales tax, that $30,000 Chevy, the price of it goes down.

If you take the tax component out, you take 22 percent out of that $30,000 Chevy, and it takes us into that area of $23,400. The Mazda stays at $30,000.

When we put our tax back in, we have to build it back in, the sales tax on the price, now the Mazda goes up by 23 percent, and it ends up as a $39,000 Mazda. That is the amount you would write the check for to drive it off the lot. But you would write the check for the Chevy or the Ford at $30,400. That is an $8,600 marketing advantage that we would gain simply by getting rid of the IRS and the Income Tax Code and put our tax back on sales and allowing these companies and competition to drive the embedded tax component out of everything that we are producing here in America.

That gives us a 28 percent marketing advantage here in the United States. So when foreign companies are competing against American manufacturers, they would have to look at that huge 28 percent advantage that we would have. I can tell you, there would be a lot more products produced in the United States.

I will take you back to the $800 million worth of Mazdas coming over from Japan by ship every year. Those cars are made in Japan. A lot of the components are put together in Japan, and wherever you make something, that is where the labor and jobs are. When we are purchasing from a foreign country, we are transporting and exporting our job market there.

Now, that is true for everything that we are purchasing that is a good from a foreign country. Those jobs, whenever we send money overseas and purchase a good from a foreign country, we are also transferring jobs there.

We pass the FAIR Tax, those jobs come back home, many of them, and we hold most jobs here. We end up with a 28 percent marketing advantage, and it does a number of other things. That is, it doubles our economy in 10 to 15 years. It fixes our balance of trade, that minus-$725 billion, probably a larger number now, because we can compete not only here better, and we will be pulling jobs back here and creating more jobs here in the United States, but also our export markets. Many times the export markets turn on a 1 or 2 percent margin.

We pick up instantaneously a 28 percent advantage from where we are right now if we can take the tax component out of the products that we are selling. So we do a number of good things. We hold our manufacturing base here. We hold our jobs here, especially our blue collar jobs, the jobs like Hershey and Maytag, that are leaving America. These are manufacturing jobs after manufacturing jobs. Those kinds of jobs stay here. We create more jobs here. These are American-made products, and the dollars will stay here. As those dollars stay here, they turn over seven times in a community, as the economists tell us they do. They create more and more and more jobs. Pretty soon we would have that trade deficit gone. We would end up with a trade surplus. We would end up with a healthy, robust industrial base in America and a strong economy that would be doubled in 10–15 years.

If we do that, the rest of the world would have to stand up and take notice. We are already the most dynamic economy the world has ever seen. But we have a problem, a series of them. But, Mr. Speaker, the problem I am speaking of is the problem of going back and indexing Alexander Tyler's statement, that when a democracy realizes it can vote itself benefits from the public treasury, on that day the democracy ceases to exist.

We are at least 44 percent of Americans not paying income tax. If we go to a national sales tax, a FAIR Tax, that does a number of things, but it untaxes the poor, and I will get to that in a moment. But it also makes taxpayers out of every consumer in America. And we are all consumers.

Each time we step up, and I think of little Johnny stepping up to the counter, and he is going to buy his baseball cards, and he is going to put a couple of dimes up there for Uncle Sam. Those children from little on up will understand that the Federal Government is expensive, and they will know that they are funding the Federal Government, and they will be buying into the Federal Government. And they will also be advocating for let me have a few less services and let me keep a few more of my dimes. That penetrates into young people.

I remember a story told by a candidate for Congress in last summer's primary election. He had a little son; I believe his name was Michael. Little Michael had saved up his money. Little Michael, he picked up his box of Skittles, and he had counted out 89 cents for the box of Skittles.

□ 2200

So he put his money up on the counter with the box of Skittles, carefully counted out 89 cents, and the lady at the check-out register rang it up and said that will be 96 cents. He did not have anymore money. He got that look on his face of what am I going to do; they are 89 cents; I have 89 cents. The lady said, well, with the tax. Little Michael turned to his dad and said, Dad, I have to pay tax on Skittles? Yes, that is what you have to do if we eliminate the IRS and the Federal income tax code. You could be a consumer who chooses when to pay your taxes, and like little Michael, pay taxes on Skittles at age seven or eight or less, and realize how expensive the Federal Government actually is.

That changes the psyche of an entire culture. People that are always looking to the Federal Government for a solution begin to realize they are funding the Federal Government and they are part of the solution. They are bought into this.

Going for a national sales tax, a consumption tax, a fair tax, Mr. Speaker, does everything good that everyone else's tax policy does and more besides, and that is not just my words. Those are also the words of one famed chairman who has been the lead guru on economics here in America for a lot of years.

It fixes everything that you can fix with a tax policy. It fixes everybody, all the pieces that come along here, puts them all together and does more besides. It border adjust taxes and it provides incentive for savings and investment. It doubles our economy in 10 to 15 years. It repairs our balance of trade and puts it on a surplus of balance of trade, and this growing economy then, on top of that, Mr. Speaker, it solves our deficit, our deficit in our revenue that we have here, our deficit spending because, when the economy doubles, we are going to have a lot more dollars that come flowing in here.

We replace the payroll tax, the Social Security, the Medicare and the Medicaid, with a consumption tax portion. I advocate for a 23 percent embedded tax that is made of these components. I said I would get back to this.

Three percent of that 23 percent provides a rebate into everybody's household to untax everyone in America up to the poverty level. So let us say the poverty level is $20,000 for a family of four, and I think the number is actually $18,500 for a family of four. They would pay about $458 in a month in taxes if they were going to consume to the level of their income. So this 3 percent goes into a fund, and immediately at the beginning of every month, it would do an automatic transfer into each household as registered by the Health and Human Services for the level of sales tax that that family would pay just up to the poverty level. So anybody that is living at the poverty level or below pays no tax, pays no national sales tax, but those that start

spending above that, above that $18,500, they start then paying the sales tax on that until you get to someone like I presume Bill Gates would be a rather robust consumer, I do not know that, but if I were he, I would be a robust consumer. People of that kind of income will be the ones who will pay the highest percentage of tax off their income. This is progressive, but also, it untaxes the poor. The first 3 percent collected is the portion that goes in to untax everyone up to the poverty level, and then those of us who spend more than the poverty level will pay our fair share of taxes going on up. That is 3 percent.

Eight percent goes to replace the payroll tax, Social Security, Medicare and Medicaid, so that we no longer have to have that most regressive kind of a tax. That is a very regressive tax on especially the lower income people. There is no exemption for you if you are only making $10,000 a year. You are going to take the .0765 percent times two, and that is 15.3 percent, multiply that by your $10,000, and you are going to give up $1,530 to the payroll tax even if you only make $10,000 a year.

So you can see, Mr. Speaker, that is a 15 percent tax on some of the poorest people in America. We eliminate that tax and put it back on consumption. And by the way, when people max out on Social Security, the most wealthy people are paying at a lower rate on the payroll tax than the poor are among us. So payroll tax is a very regressive tax. We replace it with 8 percent. We untax everyone up to the poverty level with 3 percent, that is 11, and then to replace the income tax itself and be revenue neutral that takes a 12 percent embedded tax. That is how we get to 23.

This plan works. Every time I turn this rubrics cube around and look at it another way, it looks better and better and better, but my colleagues over here are content to stand here night after night, give us a list of lamentations on what is wrong with the President, the administration, the previous majority, the decisions that have been made here in this Congress over the last 15 years on trade. They argue that free trade is fine as long as it is fair trade, but I did not hear anyone advocate for any trade agreement that they ever agreed with. So that makes us trade isolationists unless they can come forward with some real changes.

Well, I will submit that I can support trade agreements. I can support them, Mr. Speaker, if we can have smart trade, but also, we need to have a more competitive environment for America's producers. That means pass the fair tax.

Also, a couple of years ago, I was sitting over in China. As I watched the negotiations go on and engaged in them, I saw the eyes of the negotiators on the other side of the Pacific Ocean, and I watched their smiles and I watched their heads nod. We were talking to them about the billions of dollars of intellectual property that is pirated by the Chinese, and it is essentially a national standard. At least there is so much of it that goes on, there is not a punishment going on for it, this standard of stepping in and stealing our intellectual property as quick as it comes on the market.

We might have a Hollywood movie that comes out and before the premier, the DVD has been pirated by the Chinese and it is on the streets in its black market version, undercutting the intellectual property and the creativity of Hollywood. Those things happen.

The copyrights and also the patents and the trademarks, those 3 pieces of intellectual property are consistently and persistently and strategically pirated by the Chinese. The Russians, too, only the Russians just are not as good as it yet, and they are getting better.

As I listened to those negotiations and as we put pressure on them over there to bring criminal charges against those who are stealing U.S. intellectual property rights and selling Rolex watches, fake Rolex watches would be another example that brings to that mind's eye, Mr. Speaker. As we put pressure on them to bring criminal charges and civil charges, they said to us, well, we are fining people for stealing U.S. intellectual property and we are moving forward more aggressively to enforce. So I asked them for a report on those fines, and they gave me 150 pages. It was all in Chinese, Mr. Speaker, so I did not really have the ability to determine that except that, by their witness and their verbal presentation to me, they had levied some fines for X number of yuan, Chinese dollars, but we also know that a government-owned company, that if it is owned by the government and if the government fines that company, it is like me deciding I am going to fine myself and I will take a couple of dollars out of this pocket and put it over here in this pocket. Makes no difference to a Communist State and State-owned businesses if the State fines the company. The State is the company, and so those statements did not move me very much, Mr. Speaker.

Then I asked about criminal charges, and they said, yes, we have brought some criminal charges and we are getting more rugged with our enforcement. So I asked the point blank question: Who have you locked up in jail? Who is in jail today because you are stealing our intellectual property? And of course, the answer was, Mr. Speaker, well, we have not locked anybody up just yet, but we are moving forward to enforce.

Well, I came to the conclusion that the Chinese saw it as a price of doing business. The cost of doing business was to smile and nod and speak nice and make nice to Americans that are over there that want to alleviate the burden of the pirating of the U.S. intellectual property rights and that they will continue smiling and nodding and hosting Americans as long as we are willing to come over there to complain, but nothing is going to happen. Nothing is ever going to happen unless we bring some leverage against them.

So I will submit a second solution for the folks over here and ask them: Do you care to weigh in on this? I would be happy to yield to you, and I hope you come to the floor at a later time, too, or we can get together and you can sign on to some of this legislation that actually provides solutions to the problems that you so articulately laid out here tonight.

But one of these solutions is this. Direct the U.S. Trade Representative to conduct a study to determine and evaluate the loss to American intellectual property rights holders to the Chinese for the pirating of those intellectual property rights. Once that amount is quantified, and Mr. Speaker, I can tell you it is in the billions, then direct the U.S. Trade Representative to levy a duty on all goods that come from China in an amount equivalent to be able to recover the complete loss that American property rights holders have sustained because of the piracy of their property rights and to distribute those proceeds back into the hands of the people that hold the copyrights, the trademarks and the other intellectual property rights.

That is another concrete solution that I would lay out here for the folks that come to the floor and talk about what is wrong but do not provide a solution and do not provide a way to fix things and turn them around and make them right, Mr. Speaker.

I did not necessarily come here tonight, though, to talk about the shortfalls of the presentation that was made by my colleagues on the other side of the aisle. I came here tonight, Mr. Speaker, to talk about a great big issue that we have to face in this country.

As I stand here, this being the week beginning the 5th of March, it has been my understanding for some two to three weeks that the senator from Massachusetts, Senator KENNEDY, was preparing to introduce a, I will put it in quotes, a ''comprehensive'' immigration bill sometime the week of the 5th of March. I am hopeful that that does not happen, at least coming out of him, the subcommittee chairman of the Immigration Subcommittee of the Judiciary on the Senate side.

We saw what they did last year over in the Senate and actually passed, and it was an abysmal piece of policy, Mr. Speaker. Now they are winding up to try it again, same person or persons, same face, same philosophy. That same philosophy is amnesty first, enforcement maybe never.

I remember Senator KENNEDY standing out here on the Mall just on the West side of our West portico when we had demonstrators by the tens and perhaps hundreds of thousands last spring. He said to them, and these demonstrators, many were not lawfully present in the United States, one can presume I

think accurately, and he said to them, some say report to be deported; I say to you, report to become an American citizen.

That was the clarion call of the left wing liberals and the voice of Senator KENNEDY calling for people, come to America, come here illegally and when you are here, we are going to pave the way for a path to citizenship for you and hand over to you all the benefits of American citizenship.

Well, I say to Senator KENNEDY, if your mantra is amnesty, those of you who stand on amnesty, you deserve to be branded with the scarlet letter A for amnesty and treated as such because amnesty undermines the rule of law in this country.

These are some pillars of America that are essential for us in order to be able to sustain ourselves and sustain ourselves into the future. In order to identify those pillars of American civilization, we need to look back and identify what has been some of the roots of American exceptionalism. Why are we an exceptional Nation with such a dynamic economy? Why have we been so robust as a people?

There are a number of reasons, but one I would point out is that because we have brought in immigrants from all over the globe, because it was difficult to get here, because many of them had to sell themselves for seven years to pay off their passage to the United States, to work off the cost of that ride aboard ship across from Western Europe, for example, the people that had that sense of a dream, the sense of wanting to come here to realize their American dream, to raise their families here, they also had that sense of adventuresomeness.

Within all of that, the dream, the industriousness, the creativity, the sense of adventure, that desire to join with us in our manifest destiny as we settled a continent in lightening speed, all of that was the vitality that came in with our immigration. We were able to skim the cream off of the crop in Nation after Nation after Nation. Donor Nations gave up a measure of their most vital population because they came here so they could spread their wings and they could excel.

□ 2215

That is one of the pillars of American exceptionalism. Without belaboring that point very much any more, another pillar of American exceptionalism has been the foundation of our Constitution, which is drafted based upon the principles that you will find in the Declaration. And in the Constitution are our basic rights, freedom of speech, press, religion, assembly, and the second amendment rights, the right to keep and bear arms, and what used to be in our fifth amendment, the right to property, which says, ''nor shall private property be taken for public use without just compensation.''

But now after the Keloe decision, it says, ''nor shall private property be taken without just compensation,'' the for public use words have been eliminated from the fifth amendment by the Supreme Court in the Keloe decision.

But up until that time, the sanctity of property rights rode right along with the sanctity of our first amendment rights, and we have done a good job of defending our second amendment rights. Throughout this is the vitality of America, because we have individual rights that are guaranteed, and they are passed down from God to each one of us. Then the individuals, we the people, then hand that responsibility over to our elected representatives to represent us in places like this House of Representatives.

But we have guaranteed rights, and those guaranteed rights and the rights of due process and to be protected from discrimination in a court of law have given us a sense of justice and a sense of the rule of law that gives every American, every American citizen and those who aspire to be American citizens, solid ground on which to stand, confidence that it is predictable into their future so that they can invest capital, borrow money against their property, be able to pay off the mortgage, be able to reach for the stars and dream, create and become an entrepreneur, be one of those people that really makes a big difference and realize their fortune and their dreams. These are some of the foundations of American exceptionalism, but the rule of law is a foundation for it.

If we grant amnesty to people who broke the law to come here, then we have undermined the rule of law. If we undermine the rule of law, we don't have the culture for a strong America any longer. We have lost a pillar for what makes us great.

So to reward law breakers does exactly that. As I listen to people that come in and testify in the immigration subcommittee meeting, I will often hear people; there will be those that come in and say, well, I was a beneficiary of the amnesty in 1986. I came in illegally when Ronald Reagan signed the amnesty bill; there was supposed to be some say as low as 300,000 that would get amnesty. I recall about 1 million, but we know that went over 3 million who received amnesty because the fraud was so rampant.

The document forgers kicked into high gear. For everyone that got a designed amnesty in a legal fashion, there were others who by hook and crook got their amnesty. But all of them are for amnesty today if they happen to be alive and still in this country, and so are their families and their friends for amnesty. They say, well, it is not a hard thing to figure out. It was good for my dad or my mother or my brother or my uncle. Look, they are here in America, and they are doing well.

Why shouldn't we give amnesty to other people, because it has been good to us. Now that is a very simple equation and not a very rational thought process but, for every one we grant amnesty to, there will be several who will say, I think that is a good idea because my friend or my relation thought amnesty was a good idea.

If this becomes amnesty for 12 million or 15 million or for 20 million or more, and they bring in their extended families at the tune of maybe as many as 273 for every anchor baby that comes into the United States, we won't just have 12 or 15 or 20 or more million who have no respect and, in fact, contempt for the rule of law; we will have 100 or more million that will have contempt for the rule of law.

That then would utterly destroy the rule of law in America. We would go back to a third world kind of country where the rule of law doesn't work down south in places like Mexico, Honduras, El Salvador, Colombia. It is the rule of who has the power and who has the guns.

I see that my friend and colleague from Texas, the wonderful doctor, whom I seek his counsel quite often, especially on these technical issues, has arrived on the floor. I would be happy to yield as much time as the doctor from Texas (Mr. BURGESS), would consume.

Mr. BURGESS. I would thank the gentleman for yielding. Certainly, I was sitting in my office and watching you, watching your discussion with the American people tonight. I am always so grateful that you take the amount of time that you do to come to the floor and explain things to people in simple commonsense language that the average person can understand. I heard your discussion, of course, on fundamental tax reform. As you know, I am committed also to fundamental tax reform.

I knew that you wouldn't want your good friend Steve Forbes to think that you had forgotten all of the good things he had told us in a meeting about his flat tax. So I just wanted to remind the Members of Congress that in addition to H.R. 25, which deals with a consumption tax, there is also another approach to fundamental tax reform, which is H.R. 1040, what a clever number and scheme that is, which is the resurrection, if you will, of the flat tax that was previously espoused and popularized by former majority leader Dick Armey, and, of course, the subject of the ever popular book by Steve Forbes, the ''Flat Tax Revolution.''

I am not sure how many weeks it has been on the bestseller list, but it certainly should have stayed on there for weeks at a time.

This really meets the criteria, meets the test that was set forth by the President at the start of his second term for a simple, fair, pro-growth tax. The flat tax almost immediately eliminates the marriage penalty. It repeals the death tax. It abolishes the alternative minimum tax. If there was ever a time to consider the abolishment of the alternative minimum tax, it is today with more and more middle class

people being pulled into that type of unfair taxation. It eliminates multiple taxation of investment income, and it allows for immediate expensing of business equipment.

This bill, H.R. 1040, which is a voluntary election for a flat tax, it is not a requirement. If someone has constructed their time and their talents and their financial portfolio towards compliance with the IRS code, God bless them, my hat is off to them. But if they would rather take a more fundamentally sane approach to their family's finances, to their business's finances, and wish to elect a flat tax system, this should be available to them.

My concern is that we don't trust the American people enough, that if we gave them the opportunity to coexist with the IRS code as it exists today, it is completely unintelligible and not understandable by anyone with any level of education, or we gave them the opportunity to elect into a simple flat tax that they would choose to do so.

In fact, the gentleman from Iowa is quite aware that, since November, the elections in November, we have heard a lot of discussion from the other side of the aisle about the so-called tax gap, the tax gap being that $350 billion which is assessed by the IRS but never collected.

Well, what are the reasons it is not collected? To be sure, there is some fundamental dishonesty that exists in some people. But some people just look at the IRS code and say it is too complicated, I am going to ignore it and hope it goes away, I am not going to deal with this, and they are caught, and they are punished.

It is a shame that has to happen. If they were allowed the option of having a simple pro-growth system, such as the fair tax, such as the flat tax, I think the American people would be all the richer for it.

I just want to point out one passage in Mr. Forbes's book, which does not deal so much with the bill that I introduced, and I know it is going to surprise the gentleman from Iowa to hear that, but in 1989, a Senator requested a revenue forecast from Congress's Joint Committee on Taxation, on a hypothetical tax increase, raising the top rate to 100 percent. There is a flat tax, 100 percent on incomes over $200,000. The Joint Committee on Taxation responded by forecasting increased revenues of $204 billion in 1990, $299 billion in 1993. Incredibly, the Joint Committee on Taxation failed to recognize or at least assume that people would continue to work and work hard even if every penny of their income was taken away in income taxes.

I suggest that that indicates a departure and a divorce from reality that the Joint Committee on Taxation has, and it is for that reason that it is incumbent upon us to introduce measures that are, again, commonsense, straightforward measures that the American people can understand and get behind.

I notice that the speaker from Iowa had gone on from talking about taxation to talking about issues dealing with immigration. I will just say that we have had a lot of discussion in this Congress since Congress convened in January about the 9/11 recommendations or the recommendations of the 9/11 Commission from a couple of years ago.

To me, the two most important recommendations of the 9/11 Commission that have yet to be enacted, one was quite simply to build stable democracies in Middle East. I think we are doing that. We receive a lot of criticism for doing that, but that is one of the fundamental steps we must take in order to achieve stability worldwide and ultimately gain control in the global war on terror.

But the other concept, and it is so simple that it astounds me that it hasn't been taken up yet, and that is simply to secure the border. Both north and south, our American borders are not secure. They need to be secure; we deserve secure borders. The American people deserve secure borders after the ravages of 9/11, and I think that was a sensible recommendation the 9/11 Commission has made. I frankly do not understand why the House leadership has not taken that up with the seriousness it deserves.

With that, I want to thank the gentleman from Iowa and the Speaker for his indulgence.

Mr. KING of Iowa. In reclaiming my time, I thank the tenacious Texan for coming to the floor. He knows how much I revere Steve Forbes and Steve Forbes' financial acumen, as well as Alan Greenspan's. Perhaps on this subject matter it is one versus the other.

I also notice the gentleman from Texas, however compelling the argument, didn't present a list of things that his tax policy does better than the tax policy I advocate. But I think we both recognize that either is far better than what we are dealing with today.

There is nothing coming out of the other side of the aisle, particularly from the Chairman of the Ways and Means Committee, Mr. RANGEL, except, well, we are going to figure out some ways to raise some of these existing taxes and maintain the convolutions that are within them. That is what we have to look forward to.

The stock market last week had its worst single week in 4 years. I don't think its coincidental that the tax increases that this have come out of this Congress, the Pelosi Congress, and the noises coming out of the Ways and Means Committee, particularly the Chair, have added instability to our New York stock exchange and all of our financial markets. Once the inertia of this continues, we might find ourselves in a significantly poorer situation and not very far from now.

I, also, on the immigration issue, there were some statistics that I had made a promise that I would unfold here and send this message out, and that is that we are faced with a tremendous amount of loss here in America in the lives of Americans because we are not enforcing at our border.

As the gentleman from Texas said, we need to first stop the bleeding at the border and get that under control. We need to push all traffic, both, all products, all contraband, all human traffic, through the ports of entry. We need to beef up our ports of entry.

You know, as I was sitting in an immigration hearing a couple or 3 years ago, I began to listen to the testimony about how many people died in the Arizona desert in a year.

It is a significant number then; it was about 250. Now, I think it is 400. That is sad, and it is tragic, but I, again, wonder, the 11,000 a night that sneak into the United States across our southern border, I sat down there by the fence in the dark and had the infiltration going around on either side of me, and that 11,000 a night is calculated by this Border Patrol agent who testified they stop between a fourth and a third.

And they stop 1,188,000 last year. If you do the math on that, that shows about 4 million a year get into the United States, and out of that 4 million, that works out to be about 11,000 a night.

I would expect there is someone around here that knows the size of Santa Ana's Army when he came across the river. But me being a Yankee, I have to guess at it. I think it was about 6,000 strong. It was then that when they attacked the Alamo at San Antonio. But if it was 6,000 strong or less than that when they attacked the Alamo, I would just suggest that twice the size of Santa Ana's army comes across the border every single night.

They may not be in uniforms, and they may not be marching in orderly ranks, and they may not be all of them armed, but they are carrying with them $65 billion worth of illegal drugs coming into the United States, $65 billion.

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And we are spending $8 billion a year on our southern border. And out of that $8 billion, that is $4 million a mile, and we are getting some kind of efficiency rating of our dollars of maybe 25 percent of enforcement, and often I hear a 10 percent number from the Border Patrol people that are down there.

So what is the price to America? $65 billion worth of illegal drugs that comes out of the pockets of Americans. And the price in lives? The question that I ask and commissioned the GAO study for was, How many Americans die at the hands of those who do get across the border? And that number came out, not quite apples to apples and I had to do a calculation or two off of other government studies to match up with the GAO study from April of 2005, and it works out to be this: of the inmates in our Federal and State penitentiaries, 28 percent are criminal

aliens. And I am going to presume that if we had enforced our laws, none of them would have been in the United States.

So if you take 28 percent and you calculate that across the murders that we have in America, and that is about 16,000, a little over that, you will end up with a number 28 percent of that is 4,518 murder victims in the United States at the hands of those who are criminal aliens in the United States. You add to that the victims of negligent homicide, most of them drunk driving victims, and that is going to run 28 percent of those, that comes out to 4,746, Mr. Speaker. So you add those two together, that is 9,264 lives in America die violently every year at the hands of criminal aliens, presumably who would not be in the United States had we aggressively enforced our laws.

That is a shocking and astonishing number. It is three times the amount of victims that we had on September 11, and that is an annual number every single year.

Now, what does it cost us in dollars? Incarceration costs alone of the 267,000 illegal aliens that we have locked up in our prisons that we can count, and many of them we don't know, but we know we can count 267,000 and they will cost us in incarceration costs $6.7 billion just to lock them up.

So we are spending $8 billion on the border on our Border Patrol for maybe 25 percent efficiency; we are spending $6.7 billion to lock up the criminal aliens and hold them in our prisons. And then, on top of that, the cost to murder victims, and that number has been calculated by government numbers at $3.9 million per murder victim. That comes out to be $17.05 billion in the cost of murder victims in dollars. And those victims of negligent homicide, I have measured that a little bit smaller at two-thirds of that overall cost of the murder victim because the investigations don't go so far. That comes to $11.37 billion.

So I add these numbers up: Incarceration costs, $6.7 billion; the value of lost productivity in lives of murder victims, $17.05 billion; the value in lost productivity in lives at negligent homicide victims, $11.37 billion. It comes up to $35.12 billion out-of-pocket costs out of the United States just for those who were killed and to lock up those who kill. That does not include rape victims, assault victims, grand larceny and theft victims. That list goes on and on and on.

Sex victims is another one. We have identified about 240,000 sex criminals who are criminal aliens. And of those, they have at least four identifiable victims. So you do the math on that. It is just a few short of 1 million victims of sex crimes, and many of those are sex crimes where there is a murder involved as well.

The price to this society is unbelievable. It has only begun to be quantified. But to put it in a context, it works like this: $65 billion worth of illegal drugs is costing our economy $35 billion-plus a year, just the victims of murder, negligent homicide, and to lock up those who do the same, $35 billion.

The value of the entire oil industry of Mexico is $28 billion. We pay more for murder victims and negligent homicide victims here in the United States and plus locking them up than all of the oil revenue of a pretty good oil-producing country the size of Mexico.

And then, additionally, another $8 billion a year just to guard our southern border. And on top of that, there will be a report coming out very soon, if it is not out already, that shows that remittances is a term they use. This is a transfer of wages from mostly immigrants here in the United States, some illegal, some legal, out of the United States. That number has been going up incrementally year by year, and last year it was $45 billion a year that was transferred out of the United States in remittances, or usually wire transfers, back to home countries.

This report that is due to come out if it is not out now will show $60 billion transferred in the last year, $30 billion of it going to Mexico, $30 billion of it going to other places in the western hemisphere, but usually the lion's share of that goes into Central America and the Caribbean.

So when you look at the dollars transferred out of our society, $60 billion being sent out by labor, $65 billion paying for illegal drugs, $35 billion to pay for the cost of violent death, and $8 billion to guard the border, you can see, I think, Mr. Speaker, how massive this burden is here for the taxpayers and the victims of crime here in the United States.

And one thing that I have always wondered about crime victims is that if society really paid that whole cost, if we had to write the check for the $35 billion or so that it costs for victims, the violent death in America at the hands of criminal aliens, if we had to write the check for that, the taxpayers would be outraged if it were a line item on an appropriations bill here in the United States Congress.

But, instead, it isn't quite like that. There are costs picked up by the taxpayers, investigations, prosecutions, incarcerations. We pick those up. But the real costs comes out of the lives of the people who are their victims in great huge whopping chunks of their lives, their future, for their families, their productivity, and leaves a hole that can never be healed again.

That is the burden that is all of this, and the injustice of it comes from the psychology that the State is the one that is wronged and the crime victim is made whole when the State believes that they are whole. And the crime victim in this country by our process is seldom made whole, and as a matter of fact, maybe is never made whole.

So we have a big problem here in America. But sometimes there are faces that need to be identified, too, Mr. Speaker, and so I have gathered up some of the faces of these perpetrators. When I stand here and say 9,264 violent deaths in America, that is kind of faceless. I would point out, too, though, that maybe people were skeptical of my numbers. Maybe they think that those numbers are too high. I would ask, what are your numbers? Produce those.

But here is another way of looking at it. Violent death in America is 4.28 out of every 100,000 people. Violent death in Mexico is 13.2 out of every 100,000. That is a good, solid three times the violent death rate in Mexico as it is the United States.

Now, Mexico happens to be one of the more peaceful countries south of us. If you go to Honduras, their violent death rate is nine times that of the United States. And I don't know what El Salvador's is, they don't publish that. But when you get to Colombia, their violent death rate is 15.4 times the violent death rate of the United States. And, on top of that, the people that are coming in from those countries are young men. Young men will commit more than twice as many violent crimes as any other demographic group, in fact, significantly more than that.

And they are coming from countries that are more violent, and they are bringing drugs from those countries to the tune of $65 billion. So there is crime and violence associated with the drugs; there is crime and violence associated with young men. There are young men coming from countries that are far more violent than in the United States. And when you sit down and do the math and calculate out, if you were going to predict the crime results here in America, you would find, Mr. Speaker, that the 28 percent that are incarcerated in our prisons today that are criminal aliens probably don't represent the overall crime impact on the United States society.

But to personalize this a little bit, I have brought a few of the faces of these evil perpetrators down here to the floor. This, being one of the more evil. This is the face of Santos Cabrera Borjas. He is a 22-year-old, was a 22-year-old illegal alien from Honduras, that country that has got nine times the violent death rate of the United States. They can live with a lot higher level of violence.

Here is the kind of violence you get with one of these people. On June 4, 2006, Borjas murdered an innocent 9-year-old boy named Jordin Paudler of Georgia by hacking him to death with a hatchet. Borjas was in a car that was driving through the neighborhood, it had a wobbly wheel, and this young 9-year-old boy Jordin Paudler called out to the car and said, You have got a bad wheel on your car, being helpful, like young boys will do, like a lot of good Americans are. And Santos Cabrera Borjas got out of the car and attacked this young 9-year-old boy with a hatchet and twice split his forehead with a hatchet and left it in, as I understand it, all because he tried to help.

This is an example, and I will bring many of these examples to the floor as time unfolds, Mr. Speaker, and this is one of the faces of evil. There are many, many faces of evil. We have a big debate in front of us. I thank you.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Mr. HOYER) for today on account of illness.

Mr. DAVIS of Illinois (at the request of Mr. HOYER) for today and March 6 on account of official business.

Mr. EDWARDS (at the request of Mr. HOYER) for today on account of medical reasons.

Ms. JACKSON-LEE of Texas (at the request of Mr. HOYER) for today and March 6 on account of official business.

Ms. KILPATRICK (at the request of Mr. HOYER) for today through March 8 on account of official business.

Mr. LARSON of Connecticut (at the request of Mr. HOYER) for today on account of a family medical matter.

Mr. RUSH (at the request of Mr. HOYER) for today and March 6 on account of official business.

Mrs. BONO (at the request of Mr. BOEHNER) for today and the balance of the week on account of personal reasons.

Mr. LATOURETTE (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mr. TIAHRT (at the request of Mr. BOEHNER) for today and March 6 on account of attending a funeral.

Mrs. EMERSON (at the request of Mr. BOEHNER) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CARNAHAN) to revise and extend their remarks and include extraneous material:)

Mr. CARNAHAN, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, today and March 6 and 7.

Mr. SHADEGG, for 5 minutes, March 6.

Mr. AKIN, for 5 minutes, March 6.

Mr. GARRETT of New Jersey, for 5 minutes, March 6.

Mr. SALI, for 5 minutes, March 6, 7, and 8.

Mr. BURGESS, for 5 minutes, today.

Mr. DREIER, for 5 minutes, today and March 6, 7, 8, and 9.

Mr. BURTON of Indiana, for 5 minutes, today and March 6, 7, 8, and 9.

Mr. PAUL, for 5 minutes, March 6, 7, and 8.

Mr. MORAN of Kansas, for 5 minutes, March 7.

Ms. GINNY BROWN-WAITE of Florida, for 5 minutes, today.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 41 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, March 6, 2007, at 10:30 a.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

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

680. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; San Francisco Bay, San Francisco, CA [COTP San Francisco Bay 06-020] (RIN: 1625-AA87) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

681. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Evergreen Point Bridge, Lake Washington, Washington [CGD13-06-029] (RIN: 1625-AA87) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

682. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone: USAV CANEY, Port of Ponce, Puerto Rico, United States [COTP San Juan 06-087] (RIN: 1625-AA00) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

683. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Captain of the Port Sault Ste. Marie Zone, Cheboygan River, Cheboygan, MI [CGD09-06-045] (RIN: 1625-AA87) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

684. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Dogue Creek, Fairfax County, Virginia [CGD05-06-090] (RIN: 1625-AA87) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

685. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Pier 66, Seattle, Washington [CGD13-06-013] (RIN: 1625-AA00) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

686. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; St. John's River, Jacksonville, FL to Ribault Bay [COTP Jacksonville 06-045] (RIN: 1625-AA87) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

687. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Waters Surrounding U.S. Forces Vessel SBX-1, H1 [COTP Honolulu 06-004] (RIN: 1625-AA87) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

688. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone Regulation; Naples Beach, FL [COTP St. Peterburg 06-043] (RIN: 1625-AA87) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

689. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; San Francisco Bay, CA [COTP San Francisco Bay 06-010] (RIN: 1625-AA87) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

690. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; St. John's River, Jacksonville, FL [COTP Jacksonville 06-058] (RIN: 1625-AA87) received February 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

691. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30529; Amdt. No. 465] received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

692. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30523; Amdt. No. 464] received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

693. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30524; Amdt. No. 3195] received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

694. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30521; Amdt. No. 3192] received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

695. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30525; Amdt. No. 3196] received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

696. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30526; Amdt. No. 3197] received February 27,

2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

697. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30527; Amdt. No. 3198] received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

698. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30528; Amdt. No. 3199] received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

699. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30493; Amdt. No. 3166] received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

700. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30495; Amdt. No. 461] received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. GEORGE MILLER: Committee on Education and Labor. H.R. 493. A bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment; with an amendment (Rept. 110–28, Pt. 1). Ordered to be printed.

Ms. MILLENDER-McDONALD: Committee on House Administration. H. Res. 202. A resolution providing for the expenses of certain committees of the House of Representatives in the One Hundred Tenth Congress; with an amendment (Rept. 110–29). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 720. A bill to amend the Federal Water Pollution Control Act to authorized appropriations for State water pollution control revolving funds, and for other purposes, with an amendment (Rept. 110–30). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 493. Referral to the Committee on Energy and Commerce and Ways and Means extended for a period ending not later than March 23, 2007.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LINCOLN DIAZ-BALART of Florida (for himself, Mr. WAXMAN, Ms. SOLIS, Ms. ROS-LEHTINEN, Mr. PALLONE, Mr. MARIO DIAZ-BALART of Florida, Mr. RANGEL, Mr. LAHOOD, Mr. FATTAH, Mr. PRICE of North Carolina, Mr. LANTOS, and Mr. GENE GREEN of Texas):

H.R. 1308. A bill to amend titles XIX and XXI of the Social Security Act to permit States the option of coverage of legal immigrants under the Medicaid Program and the State children's health insurance program (SCHIP); to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLAY (for himself, Mr. PLATTS, and Mr. WAXMAN):

H.R. 1309. A bill to promote openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. ALTMIRE:

H.R. 1310. A bill to amend part D of title XVIII of the Social Security Act to waive the late enrollment penalty under such part for 2006 and 2007 and to fully subsidize any such penalties subsequently imposed for part D subsidy-eligible individuals; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BERKLEY (for herself, Mr. PORTER, and Mr. HELLER):

H.R. 1311. A bill to direct the Secretary of the Interior to convey the Alta-Hualapai Site to the city of Las Vegas, Nevada, for the development of a cancer treatment facility; to the Committee on Natural Resources.

By Mr. BERMAN (for himself, Mrs. BLACKBURN, Mr. WEINER, Mr. COBLE, Mr. NADLER, Mr. CHABOT, Mr. SCHIFF, and Mr. DANIEL E. LUNGREN of California):

H.R. 1312. A bill to expedite adjudication of employer petitions for aliens of extraordinary artistic ability; to the Committee on the Judiciary.

By Mr. BILIRAKIS (for himself, Mrs. MALONEY of New York, Mr. MICA, and Mr. PASCRELL):

H.R. 1313. A bill to direct the Joint Committee on the Library to obtain a statue of Constantino Brumidi for display in the Capitol Visitor Center; to the Committee on House Administration.

By Mrs. BLACKBURN (for herself, Mr. PRICE of Georgia, Mr. GARY G. MILLER of California, and Mr. ROYCE):

H.R. 1314. A bill to provide that only certain forms of identification of individuals may be accepted by the Federal Government and by financial institutions; to the Committee on Oversight and Government Reform, and in addition to the Committee on 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 Ms. HERSETH:

H.R. 1315. A bill to amend title 38, United States Code, to provide specially adaptive housing assistance to certain disabled members of the Armed Forces residing temporarily in housing owned by a family member; to the Committee on Veterans' Affairs.

By Mr. JOHNSON of Illinois (for himself, Mr. HASTERT, Mr. KIRK, Mr. LAHOOD, Mrs. JO ANN DAVIS of Virginia, Mr. SHIMKUS, Mr. COSTELLO, Mr. ALEXANDER, and Mr. MANZULLO):

H.R. 1316. A bill to provide institutions of higher education with a right of action against entities that improperly regulate intercollegiate sports activities; to the Committee on Education and Labor.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 1317. A bill to establish a demonstration project to train unemployed workers for employment as health care professionals, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Kentucky:

H.R. 1318. A bill to amend title 38, United States Code, to repeal the authority for agent or attorney representation in veterans benefits cases before the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. MATHESON:

H.R. 1319. A bill to authorize an additional use of the property containing the Mount Olivet Cemetery in Salt Lake City, Utah, that was conveyed by the United States to the Mount Olivet Cemetery Association in 1909, to authorize the reconveyance of the property subject to certain use restrictions, and for other purposes; to the Committee on Natural Resources.

By Mr. RUSH:

H.R. 1320. A bill to protect important existing television band devices in the unassigned, non-licensed television channels from harmful interference from new devices; to the Committee on Energy and Commerce.

By Mr. RUSH:

H.R. 1321. A bill to amend title XVIII of the Social Security Act to improve payments under the Medicare clinical laboratory fee schedule; 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. TIERNEY (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BERMAN, Mr. CONYERS, Mr. DELAHUNT, Mr. DOGGETT, Mr. DOYLE, Mr. ENGEL, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. HINCHEY, Ms. HOOLEY, Ms. JACKSON-LEE of Texas, Mr. KAGEN, Mr. KENNEDY, Mr. KILDEE, Mr. KUCINICH, Mr. LANTOS, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY of New York, Mrs. McCARTHY of New York, Ms. McCOLLUM of Minnesota, Mr. McDERMOTT, Mr. McGOVERN, Mr. MEEHAN, Mr. MICHAUD, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. MURTHA, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. ROTHMAN, Mr. SHERMAN, Ms. SLAUGHTER, Mr. STARK, and Mr. WEXLER):

H.R. 1322. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide emergency protection for retiree health benefits; to the Committee on Education and Labor, 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. SALAZAR (for himself and Mr. PERLMUTTER):

H.R. 1323. A bill to authorize a major medical facility project for the Department of

Veterans Affairs at Denver, Colorado; to the Committee on Veterans' Affairs.

By Mr. SAXTON:

H.R. 1324. A bill to urge the Secretary of State to designate the Quds Force, a unit of Iran's Islamic Revolutionary Guards Corps, as a foreign terrorist organization; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIRES:

H.R. 1325. A bill to require the Government of Iraq to match, dollar for dollar, the amount of United States assistance awarded for the reconstruction of Iraq; to the Committee on Foreign Affairs.

By Mr. SMITH of Texas:

H.R. 1326. A bill to promote openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. KUCINICH (for himself, Mr. SHIMKUS, Mr. EMANUEL, Mr. HASTERT, Mr. DINGELL, Ms. KAPTUR, Mr. RANGEL, Ms. SCHAKOWSKY, Ms. VELÁZQUEZ, Mr. LIPINSKI, Ms. WATSON, Mr. GRIJALVA, Ms. MOORE of Wisconsin, Mr. PASCRELL, Mrs. MCCARTHY of New York, Mr. GUTIERREZ, Mr. HIGGINS, Ms. JACKSON-LEE of Texas, Mr. DOYLE, Mr. RYAN of Ohio, Mr. ARCURI, Mr. COSTELLO, Mr. CARNEY, and Mr. MURPHY of Connecticut):

H.J. Res. 39. A joint resolution proclaiming Casimir Pulaski be an honorary citizen of the United States posthumously; to the Committee on the Judiciary.

By Mr. RANGEL:

H. Con. Res. 78. Concurrent resolution authorizing the use of the rotunda of the Capitol for a ceremony to award the Congressional Gold Medal to the Tuskegee Airmen; to the Committee on House Administration.

By Mr. HOYER (for himself, Mr. MORAN of Virginia, Mr. VAN HOLLEN, Ms. NORTON, Mr. WYNN, and Mr. WOLF):

H. Con. Res. 79. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; to the Committee on Transportation and Infrastructure.

By Mr. JOHNSON of Georgia (for himself, Mr. FORTENBERRY, Mr. PAYNE, Mr. LEWIS of Georgia, Mr. SHULER, and Ms. JACKSON-LEE of Texas):

H. Con. Res. 80. Concurrent resolution calling on the Government of Uganda and the Lord's Resistance Army (LRA) to recommit to a political solution to the conflict in northern Uganda and to recommence vital peace talks, and urging immediate and substantial support for the ongoing peace process from the United States and the international community; to the Committee on Foreign Affairs.

By Ms. FOXX (for herself, Mr. COBLE, Mr. HAYES, Mr. MCHENRY, Mrs. MYRICK, and Mr. JONES of North Carolina):

H. Res. 210. A resolution commending the Appalachian State University football team for winning the 2006 National Collegiate Athletic Association Division I-AA Football Championship; to the Committee on Education and Labor.

By Mr. LEWIS of Kentucky:

H. Res. 211. A resolution recognizing and supporting the long distance runs that will take place in the People's Republic of China in 2007 and the United States in 2008 to promote friendship between the peoples of China and the United States; to the Committee on Foreign Affairs.

By Ms. SCHAKOWSKY:

H. Res. 212. A resolution recognizing and honoring the 70th Anniversary of the founding of the National Association for College Admission Counseling; to the Committee on Education and Labor.

By Mr. WYNN (for himself, Mr. CONYERS, Mr. PAYNE, Mr. WALSH of New York, Mr. BLUMENAUER, and Mr. FRANK of Massachusetts):

H. Res. 213. A resolution expressing the sense of the House of Representatives that a United Nations Emergency Peace Service capable of intervening in the early stages of a humanitarian crisis could save millions of lives, billions of dollars, and is in the interests of the United States; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Ms. SCHAKOWSKY.

H.R. 20: Mr. DAVIS of Illinois, Ms. MOORE of Wisconsin, and Mr. CONYERS.

H.R. 23: Mr. COHEN, Mr. BOUSTANY, Mr. MORAN of Kansas, Mr. MURTHA, Mr. HONDA, Ms. BERKLEY, Mr. PORTER, Mr. DUNCAN, Mr. KANJORSKI, Ms. CORRINE BROWN of Florida, Mr. DOYLE, and Ms. WOOLSEY.

H.R. 36: Mr. BOOZMAN and Mr. KNOLLENBERG.

H.R. 111: Mrs. CHRISTENSEN, Mr. MCINTYRE, Mr. TOWNS, Ms. LINDA T. SÁNCHEZ of California, Mr. SHUSTER, Ms. JACKSON-LEE of Texas, Mr. GRIJALVA, Mr. FALEOMAVAEGA, Mr. BRALEY of Iowa, Mr. TANCREDO, Mr. BURGESS, Mr. EVERETT, Mr. BARROW, and Mr. REYNOLDS.

H.R. 122: Mr. BACA.

H.R. 171: Mr. RUSH, Mr. WYNN, Ms. NORTON, Ms. CARSON, and Mr. MCDERMOTT.

H.R. 180: Ms. NORTON.

H.R. 197: Mr. ISRAEL, Mr. CONYERS, Mr. SHAYS, Mrs. MCCARTHY of New York, Mrs. DAVIS of California, Ms. HOOLEY, Mr. FARR, Mrs. MALONEY of New York, Mr. KAGEN, and Mr. GRAVES.

H.R. 211: Mr. SESTAK and Ms. DEGETTE.

H.R. 241: Mr. GRAVES.

H.R. 269: Mr. LEWIS of Kentucky, Ms. BORDALLO, Mr. BACHUS, Mr. MCCOTTER, and Mr. CRAMER.

H.R. 277: Mr. LEWIS of Georgia and Ms. LORETTA SANCHEZ of California.

H.R. 279: Mr. GILCHREST.

H.R. 294: Ms. KAPTUR.

H.R. 303: Mr. CARNEY, Mr. BOSWELL, Mr. ALTMIRE, and Mr. KENNEDY.

H.R. 325: Mr. HONDA and Mr. HOLT.

H.R. 333: Ms. BERKLEY, Mr. YARMUTH, Mr. JINDAL, Mr. SHULER, Mr. ALTMIRE, Mr. CARNEY, Mr. RAHALL, and Mr. LARSON of Connecticut.

H.R. 349: Mr. GERLACH and Mr. SOUDER.

H.R. 359: Mr. CONYERS.

H.R. 368: Mr. PLATTS, Mr. FILNER, Mr. SHIMKUS, Mr. KANJORSKI, Mr. COSTELLO, Mrs. MYRICK, Mr. GENE GREEN of Texas, Mrs. JO ANN DAVIS of Virginia, Mr. JOHNSON of Illinois, Mr. WAMP, Ms. MCCOLLUM of Minnesota, Mr. GERLACH, Mr. STUPAK, Mr. LATOURETTE, Mr. JONES of North Carolina, Mr. CRAMER, Mrs. WILSON of New Mexico, Mr. RAHALL, Mr. ISRAEL, Ms. DELAURO, and Ms. BERKLEY.

H.R. 380: Mr. GORDON, Mr. KAGEN, Mr. MURPHY of Connecticut, and Mr. REYES.

H.R. 388: Ms. KAPTUR.

H.R. 410: Mr. COHEN.

H.R. 411: Mr. DOOLITTLE, Mr. CAMPBELL of California, Mr. SHUSTER, Mr. JINDAL, Mr. FRELINGHUYSEN, Mr. HUNTER, Mr. GOODLATTE, Mr. BARRETT of South Carolina, and Mr. HALL of Texas.

H.R. 440: Ms. JACKSON-LEE of Texas and Mrs. MCCARTHY of New York.

H.R. 468: Mr. BRADY of Pennsylvania and Ms. DEGETTE.

H.R. 489: Mr. MILLER of Florida.

H.R. 491: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 493: Mr. WYNN, Mr. CRAMER, Mr. ETHERIDGE, and Mr. ROSS.

H.R. 503: Mr. WAXMAN, Mr. CAPUANO, and Mr. CHABOT.

H.R. 508: Mr. ROTHMAN.

H.R. 511: Mr. BROWN of South Carolina.

H.R. 566: Mr. COHEN.

H.R. 612: Mr. CANNON.

H.R. 621: Mr. EVERETT, Mr. DOYLE, Mr. LINCOLN DAVIS of Tennessee, and Mr. SHUSTER.

H.R. 625: Mr. CAMPBELL of California, Ms. ROYBAL-ALLARD, and Mr. THOMPSON of California.

H.R. 627: Mr. MURPHY of Connecticut.

H.R. 634: Mr. BILBRAY, Ms. BEAN, Ms. ZOE LOFGREN of California, Mr. SPACE, Mr. WAMP, Mr. GENE GREEN of Texas, Mr. PASTOR, Mr. HASTINGS of Florida, Mr. CLYBURN, Mr. WU, Mrs. BIGGERT, Mr. KENNEDY, Mr. HALL of New York, and Mr. KING of New York.

H.R. 645: Mr. OLVER and Ms. SCHAKOWSKY.

H.R. 654: Mr. BAIRD, Mr. BRADY of Pennsylvania, and Mr. BECERRA.

H.R. 663: Mr. DEFAZIO.

H.R. 664: Mr. ROYCE.

H.R. 670: Mr. SMITH of Texas.

H.R. 675: Mr. CARNEY.

H.R. 684: Mr. KAGEN.

H.R. 695: Mr. GENE GREEN of Texas, Mr. KIND, Mr. KILDEE, Mrs. MCCARTHY of New York, Mr. TOWNS, Mr. POMEROY, and Mr. MURPHY of Connecticut.

H.R. 698: Mr. BRALEY of Iowa, Mr. SPACE, Mr. GORDON, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 711: Mr. RUPPERSBERGER, Mr. MATHESON, Mr. CARNEY, and Mr. BOOZMAN.

H.R. 719: Mr. CRAMER, Ms. JACKSON-LEE of Texas, Mrs. SCHMIDT, Mr. EMANUEL, Mr. MELANCON, Mr. KING of New York, Mr. PATRICK MURPHY of Pennsylvania, Mrs. LOWEY, Mr. POE, Mr. WALZ of Minnesota, Mr. HUNTER, Mr. BRALEY of Iowa, Mr. MCCAUL of Texas, Mr. MARSHALL, Mr. ARCURI, and Mr. CHANDLER.

H.R. 720: Mr. CAPUANO, Mr. CONYERS, Mr. GONZALEZ, Mr. DELAHUNT, Mr. MORAN of Virginia, Mr. CLEAVER, Mr. GILLMOR, Ms. LORETTA SANCHEZ of California, and Mr. STUPAK.

H.R. 722: Mr. COHEN.

H.R. 723: Mr. MCINTYRE and Mrs. LOWEY.

H.R. 728: Mr. MEEK of Florida.

H.R. 729: Mr. DOGGETT.

H.R. 743: Mr. MEEKS of New York.

H.R. 760: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CORRINE BROWN of Florida, Mr. CALVERT, Mrs. TAUSCHER, and Mr. SPACE.

H.R. 787: Mr. MCNERNEY and Mr. WEXLER.

H.R. 790: Ms. BERKLEY.

H.R. 797: Mr. SENSENBRENNER, Mr. KAGEN, Mr. MCDERMOTT, Mr. MANZULLO, Mr. COHEN, Mr. BILIRAKIS, Mr. MICHAUD, and Mr. CLEAVER.

H.R. 801: Mr. KAGEN and Mr. ROSKAM.

H.R. 808: Mr. RAHALL.

H.R. 811: Mr. RAHALL and Mr. MURTHA.

H.R. 819: Mr. YARMUTH, Mr. KAGEN, and Mr. SERRANO.

H.R. 854: Mr. MURPHY of Connecticut.

H.R. 857: Mr. SAM JOHNSON of Texas.

H.R. 874: Mr. COHEN.

H.R. 875: Mr. COHEN.

H.R. 886: Mr. BAIRD.

H.R. 901: Ms. BERKLEY, Ms. ZOE LOFGREN of California, and Mr. JEFFERSON.

H.R. 942: Mr. DEFAZIO.

H.R. 947: Mr. FATTAH.

H.R. 962: Mr. MCNULTY.
H.R. 985: Mr. ELLISON and Mr. ISRAEL.
H.R. 995: Mr. SPACE and Mr. HOLDEN.
H.R. 998: Mr. CAPUANO, Mr. CLAY, Mr. AL GREEN of Texas, and Mr. HINOJOSA.
H.R. 1012: Mr. GOHMERT.
H.R. 1013: Mr. MILLER of Florida.
H.R. 1026: Mr. POE.
H.R. 1034: Mr. BUTTERFIELD and Mrs. CAPPS.
H.R. 1055: Mr. ENGEL and Mr. LEWIS of Georgia.
H.R. 1061: Mr. OBERSTAR, Ms. SCHAKOWSKY, Mr. DELAHUNT, and Mr. DINGELL.
H.R. 1063: Mrs. JO ANN DAVIS of Virginia and Mr. MCHUGH.
H.R. 1077: Mr. FORBES.
H.R. 1085: Mr. WALBERG, Ms. FOXX, Mr. HOEKSTRA, and Mr. LAMBORN.
H.R. 1086: Ms. FOXX and Mr. WALBERG.
H.R. 1108: Mr. MURPHY of Connecticut, Mr. DENT, and Mr. BOSWELL.
H.R. 1126: Mr. AKIN, Mr. BUTTERFIELD, Mr. ENGLISH of Pennsylvania, and Mr. COSTELLO.
H.R. 1132: Ms. CARSON, Mr. GRIJALVA, Mrs. MALONEY of New York, Ms. MCCOLLUM of Minnesota, Mr. DELAHUNT, Ms. HOOLEY, Ms. BORDALLO, Ms. SCHWARTZ, Mr. KIND, Ms. LEE, Mr. BOUSTANY, Mr. PLATTS, Mr. COHEN, Ms. WOOLSEY, and Mr. MCNULTY.
H.R. 1137: Mr. CARNEY.
H.R. 1154: Mr. REYES, Mr. TOWNS, Mr. CASTLE, Mr. BARTLETT of Maryland, Mr. KING of Iowa, Mr. BOUSTANY, Mr. MCHENRY, Mr. GINGREY, Mr. CONAWAY, Mr. RUSH, Mr. WYNN, Mr. DOGGETT, Mr. MURTHA, Mr. MORAN of Virginia, Mr. PASCRELL, Mr. KUCINICH, Mr. MEEK of Florida, Mr. GILLMOR, Mr. YOUNG of Alaska, Mr. MARSHALL, Mr. MCDERMOTT, Mr. WALDEN of Oregon, Mr. GILCHREST, Mr. TERRY, Mrs. WILSON of New Mexico, and Mr. WELDON of of Florida.
H.R. 1155: Mr. COHEN, Mr. MCNULTY, and Mr. JEFFERSON.
H.R. 1187: Mr. FARR.
H.R. 1188: Mr. RANGEL and Mr. PLATTS.
H.R. 1192: Mr. GRIJALVA, Mr. HINCHEY, and Mr. RUSH.
H.R. 1228: Ms. NORTON and Mr. MOORE of Kansas.
H.R. 1246: Mr. COURTNEY.
H.R. 1250: Mr. DREIER.
H.R. 1254: Mr. BURTON of Indiana, Mr. YARMUTH, Mr. TOWNS, Mr. VAN HOLLEN, and Mrs. MALONEY of New York.
H.R. 1255: Mr. YARMUTH, Mr. TOWNS, Mr. VAN HOLLEN, Mrs. MALONEY of New York, and Mr. PAUL.
H.R. 1261: Mr. GOHMERT, Mr. CULBERSON, Mr. FRANKS of Arizona, Mr. HALL of Texas, Mr. PEARCE, Mr. MILLER of Florida, Mr. AKIN, Mrs. BLACKBURN, Mr. SENSENBRENNER, Mr. GILCHREST, Mr. HERGER, Mr. SIMPSON, and Mr. KING of Iowa.
H.R. 1272: Mr. FILNER.
H.R. 1281: Mr. RANGEL, Mr. MCGOVERN, Mr. CLAY, Mrs. MALONEY of New York, and Mr. GRIJALVA.
H.R. 1283: Mr. BACHUS, Mr. RAHALL, Mr. TIM MURPHY of Pennsylvania, Ms. PRYCE of Ohio, Mr. SENSENBRENNER, Ms. HIRONO, Mr. BOSWELL, Mr. REICHERT, Mr. JEFFERSON, Mr. KIND, Mr. BONNER, Mr. RUSH, Mrs. BLACKBURN, Mr. STARK, and Mr. OLVER.
H.R. 1298: Ms. SLAUGHTER and Mr. ELLISON.
H.R. 1303: Mr. CLAY, Mr. GONZALEZ, Mr. CLEAVER, and Mr. STARK.
H.R. 1307: Mr. CARNEY.
H.J. Res. 9: Mr. BOUSTANY.
H. Con. Res. 9: Mr. ETHERIDGE.
H. Con. Res. 28: Mr. MCHUGH.
H. Con. Res. 43: Mrs. JONES of Ohio.
H. Con. Res. 71: Mr. SPRATT, Mr. ENGEL, and Mr. VISCLOSKY.
H. Con. Res. 75: Ms. SCHAKOWSKY and Mr. ROTHMAN.
H. Res. 37: Mr. RUSH, Mr. LEWIS of Georgia, Mr. WAXMAN, and Mr. GENE GREEN of Texas.
H. Res. 67: Mr. ENGEL.
H. Res. 100: Mr. PRICE of North Carolina, Mr. FILNER, Ms. ZOE LOFGREN of California, Ms. BERKLEY, Ms. KAPTUR, Mr. GENE GREEN of Texas, and Ms. ROYBAL-ALLARD.
H. Res. 107: Mr. BOREN, Mrs. BLACKBURN, Mr. LEVIN, Mr. GONZALEZ, Mr. COHEN, Mr. LAMBORN, Mr. MURPHY of Connecticut, Mr. SAXTON, Mr. TIBERI, Mr. FERGUSON, and Mr. LINDER.
H. Res. 111: Mr. ALTMIRE, Mr. BILIRAKIS, and Mr. SESSIONS.
H. Res. 117: Mr. ALTMIRE.
H. Res. 118: Mr. CROWLEY, Mr. HONDA, Mr. GRIJALVA, and Mr. WAXMAN.
H. Res. 119: Ms. ROYBAL-ALLARD, Mr. ROTHMAN, and Mr. BRADY of Pennsylvania.
H. Res. 121: Ms. ZOE LOFGREN of California, Mr. INSLEE, Mr. HUNTER, Mr. ISSA, Mr. GRIJALVA, Mr. PAYNE, Mr. TOM DAVIS of Virginia, and Mrs. MCMORRIS RODGERS.
H. Res. 136: Mr. KANJORSKI, Ms. HIRONO, Mr. MCGOVERN, Mr. MCKEON, Mr. PLATTS, Mr. STUPAK, Mrs. EMERSON, Mr. HARE, Mr. TOWNS, Ms. SLAUGHTER, Mr. BISHOP of New York, Ms. LEE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. BERKLEY, Mrs. BOYDA of Kansas, Mrs. TAUSCHER, and Mr. BRALEY of Iowa.
H. Res. 137: Mr. RANGEL.
H. Res. 143: Ms. ZOE LOFGREN of California and Ms. KAPTUR.
H. Res. 146: Ms. BERKLEY, Mr. COHEN, and Ms. LORETTA SANCHEZ of California.
H. Res. 149: Mr. BISHOP of New York, Mr. EMANUEL, Mr. MARKEY, Mr. MARSHALL, Mr. RUPPERSBERGER, Mr. TOWNS, Ms. GINNY BROWN-WAITE of Florida, Ms. CLARKE, Mrs. TAUSCHER, Mrs. BOYDA of Kansas, Ms. SUTTON, Ms. CARSON, Mr. PASCRELL, Ms. BEAN, and Ms. WASSERMAN SCHULTZ.
H. Res. 171: Mr. GORDON, Ms. JACKSON-LEE of Texas, Mr. LANTOS, Mr. MORAN of Virginia, Mr. ETHERIDGE, Mr. WOLF, Mr. BUYER, Mr. CLAY, Mr. CARNEY, Mr. BOUSTANY, and Mr. JOHNSON of Georgia.
H. Res. 175: Mr. MCGOVERN and Mr. ROTHMAN.
H. Res. 179: Mr. TOM DAVIS of Virginia and Mr. WAXMAN.
H. Res. 185: Mr. HONDA, Ms. SCHAKOWSKY, and Mr. ROTHMAN.
H. Res. 186: Mr. SMITH of New Jersey, Mrs. DRAKE, Mr. WEINER, Mr. PAUL, Mr. HIGGINS, Mr. FARR, Mr. HASTINGS of Florida, Mr. FILNER, and Mr. ROHRABACHER.
H. Res. 196: Ms. JACKSON-LEE of Texas, Mrs. TAUSCHER, Mr. REYES, Ms. LEE, Mr. GRIJALVA, and Mr. FARR.
H. Res. 197: Mr. BLUMENAUER, Ms. LEE, Mrs. TAUSCHER, and Mr. TOWNS.
H. Res. 208: Mrs. JO ANN DAVIS of Virginia.
H. Res. 209: Ms. CASTOR.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, MONDAY, MARCH 5, 2007 No. 37

Senate

The Senate met at 1:30 p.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

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

Let us pray.

Our Father, thank You for Your patience. You listen to our prayers even when we make selfish requests, and You guide our steps in spite of our attempts to shape our own destiny.

Today, lead our lawmakers to the successful fulfillment of Your purposes. As they strive to honor You, strengthen them with an endurance that will keep them strong in the face of complex challenges. Lord, make them grateful that You have given them the honor of serving You and country, as You remind them of the importance of being faithful in small things. Lord, as You bless them with Your peace, unite them in their efforts to keep America strong. May they so reflect Your image that they will possess gentleness, kindness, humility, meekness, and patience.

Lord, we end this prayer by asking You to remember the family of former U.S. Senator Thomas Eagleton and the many others who mourn his death.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 5, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, this afternoon the Senate will be in a period of morning business until 3 p.m. During this time, Senators are permitted to speak for up to 10 minutes each. It is my understanding there are a number of Members on both sides who will be here to take up that time.

At 3 p.m., the Senate will resume consideration of the 9/11 legislation, S. 4. We have been told a number of Members want to offer amendments. I hope that is the case. So I look forward to them coming to the Senate Chamber today to offer those amendments.

Last week, the Republican leader's staff and my staff, along with the relevant committee staff, were negotiating a time when the Senate would vote on the collective bargaining amendment. I understand that has been offered by Senator DEMINT. The proposal is for the amendment to be voted on at 2:30 on Tuesday. We hope that can be accomplished sometime early this afternoon as to whether we will be able to lock in this agreement. I will be in a position at that time to announce our vote schedule, which is at 5:30 today. However, Members are alerted that a vote or votes could occur at 5:30 today. I will provide more information as the day proceeds.

RECOGNITION OF THE MINORITY LEADER

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

ORDER OF BUSINESS

Mr. MCCONNELL. Mr. President, let me respond to my good friend, the majority leader. We hope to be able to enter into an agreement to figure out how to dispose of the McCaskill and DeMint amendments on collective bargaining for TSA. There are also two district judges on the calendar who are noncontroversial whom we have no problem voting on this afternoon: Jarvey of Iowa and Lioi of Ohio. So in any event, we hope to be able to work all this out in the next few hours.

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

IN MEMORY OF FORMER SENATOR TOM EAGLETON

Mr. REID. Mr. President, I received a call yesterday that Tom Eagleton died. Tom Eagleton was a wonderful man. He served in the Senate representing the State of Missouri from 1968 to 1987.

I got to know Senator Eagleton. I met him when I was in the House of Representatives. He had previously, prior to coming to the Senate, been elected Missouri's attorney general and Lieutenant Governor.

One thing I wish to mention very briefly today: He was selected by Senator McGovern to be his Vice President. As some will recall, that lasted only 2 or 3 weeks because it came out he had received some attention for a

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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medical problem that was related to an emotional problem, mental problem.

If that same thing occurred today, it would not have mattered. We have made progress in accepting people who have emotional problems for whatever reason, that they are just as sick as someone who has other kinds of problems. It is too bad there will always be this asterisk with Tom Eagleton. However, he was selected to be Senator McGovern's Vice President but was not able to continue in that position because of a medical condition.

He was a wonderful man who served in the Navy. He graduated from Harvard Law School. His father was a lawyer who loved politics and ran for public office in Missouri. He served on the St. Louis Police Board and the Board of Education.

Tom is survived by his wife, the former Barbara Ann Smith. They married in 1956. He has two children. He left the Senate 20 years ago, as I indicated earlier. He was a tremendously good Senator. As the Chaplain indicated today, our prayers go out to his family. Senator Eagleton will be missed. He has made his mark on our country and the world. He fought for clean water and clean air. He had strong beliefs on the conflict in Vietnam. He showed, over a lifetime, that one man can make a difference.

So, Mr. President, I hope all Senators will pause to reflect on the service this great man made to our country. I am sure we should all understand if we patterned our political career after Tom Eagleton, we could not go wrong.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I ask unanimous consent that I be given 10 minutes to speak in morning business.

The ACTING PRESIDENT pro tempore. The Senator has that right.

Mr. AKAKA. Thank you, Mr. President.

VETERANS MEDICAL CARE

Mr. AKAKA. Mr. President, last week, my majority colleagues and I on the Committee on Veterans' Affairs submitted the required views and estimates on the administration's fiscal year 2008 budget for the Department of Veterans Affairs.

In summary, we are recommending a $2.9 billion increase over the administration's request for veterans medical care. We believe this is the total amount necessary to treat all eligible veterans from World War II until the present time and to maintain the quality of VA medical services through the upcoming fiscal year.

This amount would also provide the VA with resources to absorb the thousands of service members presently on medical hold at Walter Reed and in other military facilities. There is no question we must ensure these brave men and women are provided the best care possible.

Today's Washington Post leads with a story titled, ''It Is Just Not Walter Reed.'' The story focuses on the various Federal facilities across the system, including VA facilities. I urge my colleagues to understand that at the heart of any solution to improve care is increasing resources to match demand and to ensure the facilities themselves are up to par.

I intend to hold a hearing later this month on cooperation between VA and the Department of Defense on the treatment of injured service members, and I will pursue the situation at Walter Reed and other military treatment facilities that are handling the bulk of returning Iraq and Afghanistan war veterans to ensure the Government is helping those who have been injured in service to our country and their families.

I wish to highlight a few of the accounts for which we are seeking substantial increases.

In our estimate, we recommended an additional $300 million for treatment of traumatic brain injuries. These funds will support the expansion of VA's capacity and will help to resolve case management problems identified in an IG investigation last summer. Traumatic brain injuries are turning out to be the hallmark of this war. We simply must ensure that VA has the resources to do more than just keep up but to become a leader in brain injury care.

The recent televised account of ABC newsman Bob Woodruff's long recovery from a brain injury endured in Iraq has highlighted the suffering of new veterans and their families. Looking at these young soldiers with such devastating injuries reminds us of the true costs of war.

We know the transition from DOD to VA can be a tough one. This is even more true for those veterans suffering with TBI. At the start of this war, VA was unprepared to deal with returning service members with injuries of all kinds. The budgets in the early years underestimated these costs, and many VA facilities were caught flatfooted.

Over the last year, VA has made strides in improving the lead brain injury centers. Yet VA still has miles to go in caring for service members when they return home to their communities. Many of these men and women are quite young and will live with brain injuries for the rest of their lives. VA must do more than simply send them back to their communities.

I am also concerned that veterans with less severe forms of TBI may not be receiving appropriate compensation for their injuries. We need to make sure VA has the resources necessary to provide for specialist examinations and appropriate testing so that veterans who file claims for headaches, memory loss, and other effects of TBI may be properly compensated and rehabilitated.

We also recommended an increase of $693 million over the administration's request for VA mental health programs. These funds are essential to guarantee timely access to mental health services for veterans of the global war on terror and prior conflicts, including the Vietnam war. We have heard too many stories already of veterans in crisis who were unable to see a mental health professional because of a lack of staff or beds at VA facilities. It is about time we fully fund VA's mental health programs so that not one more troubled veteran finds himself or herself on the street for lack of therapy, counseling or, far worse, takes his or her own life.

As chairman of the Committee on Veterans' Affairs, I am deeply committed to having all in Congress recognize the reality that meeting the needs of veterans is truly part of the ongoing costs of war. I urge my fellow Senators to join us as we work to uphold our end of the bargain by giving our Nation's veterans accessible first-rate medical care. We owe it to them and they deserve it.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The legislative clerk proceeded to 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.

Mr. DORGAN. Madam President, I ask unanimous consent to speak in morning business for up to 30 minutes.

The PRESIDING OFFICER. The Senator has that right. The Senator from North Dakota is recognized.

VA HEALTH CARE

Mr. DORGAN. Madam President, this morning in the Washington Post newspaper, there is a story that is headlined:

> It Is Just Not Walter Reed. Soldiers Share Trouble Stories of Military Health Care Across the U.S.

I read that story and have read the previous stories in the Washington Post about the issue of outpatient health care at Walter Reed. I have visited Walter Reed many times, and I have visited Bethesda many times, and I have visited with wounded soldiers. I have spoken to doctors and nurses, health care professionals, people who work at Walter Reed and Bethesda. I

have to tell my colleagues that I come away from those experiences thinking how unbelievably dedicated the people who are working in those hospitals are to save lives. There are a lot of them. I hope the efforts and the work they do tirelessly 24 hours a day are not in any way diminished by these stories.

The stories the Post has published are accurate. The stories about the outpatient buildings at Walter Reed needing repair and not being repaired are accurate. The stories about the system well beyond Washington, DC, are accurate stories. But I would say there are a lot of dedicated people working in that system who are trying to do the best they can to work as hard as they can work to save lives and help our veterans. Their role needs to be understood and applauded as well.

Even as I say that, let me describe something else. As the headline says: ''It Is Just Not Walter Reed.'' It was over a month ago I was on the floor of the Senate, and what brought me to the floor of the Senate to talk about these issues was this story in the Minneapolis Star Tribune. The story says in the headline:

> This Marine's Death Came After He Served in Iraq. When Jonathan Schulze came home from Iraq, he tried to live a normal life, but the war kept that from happening.

The story talks about this young man who went to Iraq when America asked him to go fight for his country, was engaged in some bitter, difficult fighting, and when he came back from Iraq, he had very serious problems; very significant, serious difficulties, and he couldn't deal with them. As they buried this young man who committed suicide, on his casket was recognition of his two Purple Hearts earned from his service in Iraq. He was a real soldier in some of the bloodiest battles of Iraq. I have spoken to his family and they told me of this young man seeing the head of one of his best friends being blown off, some of the most unbelievable things a person can see in battle. He came back from Iraq with very serious problems. He tried very hard to get those problems resolved. He was in and out of the VA system. This story describes his circumstances.

I happened to be in Minneapolis the day this story was published in the Minneapolis Star Tribune. It was on a Saturday. When I came back to Washington, DC, the following week, I came to the floor of the Senate and said I was going to write the inspector general with a request: Would you investigate what has happened here? This is a man, according to this story and according to his family with whom I have spoken, who went to the VA system and said: I am suicidal. I have been thinking about committing suicide. I need help.

In fact, the second time he went to the VA system asking to be admitted to the hospital, he had packed his bags and brought them with him, hoping to be admitted. His family, standing behind him during the interview at the hospital, heard him tell them he was suicidal. They said: We can't do a prescreening for you today. You will have to come back. The family had driven some 70, 75 miles to get there that day. The next day he called and was told he is No. 26 on the list to be admitted. Three days later he hung himself.

This young man fought for his country, came back seeking help, and he didn't get the help. So they had a funeral for this young man, Jonathan Schulze, who cried out for help and didn't get it. At the funeral was a picture of this young marine with his two Purple Hearts, a proud young man who served his country with great valor and great distinction. But his country didn't serve him very well when he came back with very serious problems.

I came to the floor of the Senate and said I was sending the inspector general a request that he investigate what has happened here. What happened when this young man goes to a hospital and says: I am thinking of committing suicide, I need to be admitted to your hospital, and is turned away? How does that happen? Is it an isolated instance?

Last week a mother called me. She told me her son had come back from Iraq and he had very serious problems. They went to the VA hospital. This is a young man coming back from soldiering in Iraq with very serious emotional problems, a substance abuse addiction, he couldn't sleep, and at night would pull the covers over his head and scream, wake up from nightmares. So they went to the VA system and his mother said: We really didn't get much help. They had very limited capability to help; not enough staff. So she said: We worked through the private sector with some psychiatrists and others for a year, and my son finally improved and got much, much better, after a long year. She called me last week because she said her son had received an alert notice that his unit was to be activated in June, likely to go back to Iraq. That is why that mother was calling me. But her message was in many ways about the issue of care in the VA system. Let me say again, I have great admiration for a lot of men and women who work in that system. I think there are a lot of soldiers who get some good help. But I do think the VA is understaffed. I don't think there is much question about that. I think very significant mistakes are made when there are not the resources to help.

When this young man comes back from Iraq, Jonathan Schulze, who earns two Purple Hearts and cries out for help and this country doesn't help because somehow he falls through the cracks—he goes to the hospital and says: I need to be admitted, I am thinking of committing suicide—and they send him home, there is something dreadfully wrong. Yes, the Washington Post was right this morning; this is not just about Iraq; this is not just about Walter Reed. This is also about the VA system, and whether this President is asking for enough funding for that system.

I was reading the transcript this morning of a hearing that Senator AKAKA, who just spoke, recently chaired. He asked about the President's budget that proposes a cut to inpatient care for mental health in the VA system. That is exactly the wrong thing to do. It is precisely the wrong direction to go.

I received a letter from the inspector general 3 days after I had written to him, on February 9. He writes this:

> In response to your letter, my office has opened an inquiry and will provide you with the results upon completion.

So the inspector general is now investigating.

Let me also say I worry about the leadership there. I don't know what causes this, but here is what the head of the VA said at the Veterans' Affairs Committee hearing on February 13. He says:

> There is no veteran who is in need of, as I say, emergent or emergency care that doesn't get it immediately.

Let me say that again. This is a quote from Mr. Nicholson, who runs the VA system:

> There is no veteran who is in need of, as I say, emergent or emergency care that doesn't get it immediately.

Well, Jonathan Schulze didn't get it. He showed up with his bags packed and told the VA he was thinking of committing suicide and needed to be admitted, and he was sent home. He didn't get the help. That was emergency help that was needed. I don't understand how the Secretary can say this. Clearly there are soldiers around the country who are released from inpatient care at Walter Reed and Bethesda, who transfer out of the active-duty system and become a veteran, and all of a sudden the standard of care, the standard of rehabilitation is different. That is quite clear. That is not in dispute. That shouldn't be the case. We spend hundreds of billions of dollars going to war. There is no difference between a soldier on active duty and a wounded soldier who comes back home and leaves the acute care facility of Walter Reed or Bethesda. There is no difference, and they ought not be treated differently. Their standard of care ought to be identical. I don't understand a circumstance where the head of the VA says:

> There is no one in need of, as I say, emergent or emergency care that doesn't get it immediately.

That is clearly not accurate. He is the Secretary and should know it is not accurate. I do not understand it. As I have indicated, I asked the inspector general to investigate the Jonathan Schulze situation, this young man who committed suicide, took his life when he showed up with his bags packed, asking to be admitted to the hospital. I hope what has happened recently will persuade the President, the Secretary, the Congress to get this right. We owe

it to those young men and women. The number of people coming back—24,900 American servicemen have been wounded, 11,200 seriously. Virtually all of us here have seen those soldiers lying seriously wounded. Does anyone think they don't have the highest claim on this country's resources to reach out and help them with everything that is available to us? Does anyone believe there is something more important than that? If so, I want to know what it is. I hope very much, whether it is the Jonathan Schulze case or any of the other cases, this investigation is thorough, complete, urgent, and is completed in a way that says to this President: You can't seriously continue to consider cutting inpatient care for mental health in the VA system.

AMENDMENT NO. 313 TO S. 4

Mr. DORGAN. Madam President, I want to talk briefly about an amendment I have offered to the underlying piece of legislation.

I would like to ask it be considered in morning business as a separate subject.

I have offered an amendment that is very simple. It calls for a report every 6 months by this administration on the subject of what is happening with respect to the search for Osama bin Laden and the leadership of al-Qaida. I hope I will get a vote on that amendment perhaps this afternoon, and if not, I hope by tomorrow. That amendment was one I offered last week. I want to show a couple of charts that describe why I have offered such an amendment.

Mr. Negroponte was the Director of National Intelligence until about two weeks ago. He and the current leader of the intelligence service have said the same thing in open testimony before the Congress:

> Al-Qaida is the terrorist organization that poses the greatest threat to U.S. interests, including to the homeland.

He also said this:

> Al-Qaida continues to plot attacks against our homeland and other targets with the objective of inflicting mass casualties. And they continue to maintain active connections and relationships that radiate outward from their leaders from a secure hideout in Pakistan.

Again, it says from their secure hideout in Pakistan. On September 15, 2001, 4 days after 9/11, recognizing it was al-Qaida and Osama bin Laden and the al-Qaida leadership that attacked this country and boasted about it, the President said this:

> We will not only deal with those who dare attack Americans; we will deal with those who harbor them and feed them and house them.

Two months later he said:

> As a part of our offensive against terror, we are also confronting the regimes that harbor and support terrorists.

Two months following that he said:

> Osama bin Laden has no place to train his al-Qaida killers anymore. And if we find a training camp, we will take care of it.

Well, the head of intelligence for this country says he knows where the al-Qaida leadership is. We saw last week film clips on television of al-Qaida training camps. Yet somehow there is a giant yawn about all of this. In fact, the President later said, in 2003:

> I don't know where bin Laden is. I have no idea and really don't care. It is not important, and it is not our priority.

He also said:

> I am not truly that concerned about him.

If the head of intelligence for this country says the greatest threat posed to this country by a terrorist organization is a threat that comes from al-Qaida, a threat to our homeland to inflict mass casualties, and they are in a secure hideout in Pakistan, and if, in fact, the President previously said as a part of our offensive against terror we are also confronting the regimes that harbor and support terrorists, and if Pakistan is our ally and al-Qaida is located there to train new terrorists, why on Earth are we not going after the leadership of al-Qaida? What explains that? It, frankly, escapes me.

I have introduced a piece of legislation that does three things: First, every 6 months, there will be a report from this administration to the Congress—a classified report—telling us where is the al-Qaida leadership. If they now say they are in a secure hideout in Pakistan, they can reaffirm that; and, if not, where are they?

Second, tell us each country where bin Laden, Zawahiri, and other leadership may be and whether the government of each country is cooperating with our attempts to capture them. If these countries are allies, are they harboring these terrorists, preventing us from the opportunity to go and eliminate the leadership of this terrorist organization?

Third, this report will require the heads of our intelligence and of our Defense Department to tell us what additional resources they need to capture the leadership of al-Qaida.

Today, it is 2,001 days—let me mark that—since the terrorist attack against our country which murdered thousands of innocent Americans. Osama bin Laden, Zawahiri, and others in al-Qaida boasted about being the perpetrators of that terrorist attack. That was 9/11/2001.

Coincidentally, today is 2,001 days later. The perpetrators who boasted that they committed the terrorist acts against our country that murdered so many thousands of Americans remain, apparently, in a secure hideout in Pakistan and still taunt us. They send the television and the radio stations their videos and their voice tracks telling us their views of world events.

I have said before on the floor of the Senate in recent weeks, if we have 21,000 soldiers to surge somewhere, I would much prefer those 21,000 soldiers be surged to find the leadership and eliminate the leadership of al-Qaida. I don't understand why this administration says: We don't know where he is. I have no idea and really don't care. It is not that important. It is not our priority.

That comes from the President. But his top intelligence chief says they are in a secure hideout in Pakistan. Even more important, I don't understand when the President says he is not concerned about him. The top intelligence chief said this is the greatest threat to our country. We better be concerned about him—the President and the Congress and the American people. We ought to be concerned enough to decide this is a priority; it is a priority for us to bring to justice those who are the greatest threat to our country, the greatest terrorist threat.

That doesn't come from me. That comes from Mr. Negroponte and his successor who, in the last 2 months, both said the greatest terrorist threat to our country is al-Qaida. They continue to plot attacks against our homeland with the objective of inflicting mass casualties, and they radiate outward from their leaders from a secure hideout in Pakistan. It is unbelievable to me that 2,001 days later that we saw, according to the New York Times 2 weeks ago, ''Terror Officials See Qaeda Chiefs Regaining Power.''

> Senior leaders of al-Qaeda operating from Pakistan over the last year have set up a band of training camps in the tribal regions near the Afghan border, according to American intelligence and counterterrorism officials. American officials said there was mounting evidence that Osama bin Laden and his deputy, al-Zawahiri, have been steadily building an operations hub in the mountainous Pakistani tribal area of north Waziristan.

I don't have the foggiest idea how this is allowed to continue or to happen. In fact, my colleague and I—Senator CONRAD and I—offered an amendment similar to this some months ago. It was dropped in conference. Senator CONRAD joins me as a cosponsor of this amendment this time as well. Both of us believe there is something missing. When we offered it the last time, there was this enormous concern about our offering it. It seems to me that this just makes common sense—find out what is the most significant threat to our country and take steps to eliminate that threat.

This country took its eye off the issue of Afghanistan. All of us understand that, regrettably. I worry about what might happen in Afghanistan this year. We took our eye off this issue. Osama bin Laden—you haven't heard his name around here for a long while. It was Osama ''been forgotten.'' Nobody talked about him. Even the President said: I don't know where he is. I don't care. It is not important, and it is not our priority.

What on Earth is that? I don't understand it. This amendment is simple. We are asking for three steps. Every 6 months we would like a report. What are you doing? What is the progress in dealing with the greatest terrorist threat to this country? Don't tell us that we don't have time or resources to

deal with the greatest terrorist threat to our country. We must deal with that threat, and we must deal with it on an urgent basis.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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.

Mr. CORNYN. Madam President, how much time remains in morning business?

The PRESIDING OFFICER. Morning business extends until 3 p.m., and Senators may speak for up to 10 minutes each.

Mr. CORNYN. Madam President, I ask unanimous consent to speak for up to 15 minutes. I will yield back time if I don't need all of that. I also ask unanimous consent that Senator WEBB be recognized following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS TO S. 4

Mr. CORNYN. Madam President, I want to speak briefly on four different amendments that are pending to the 9/11 bill that is on the Senate floor. First of all, I want to talk about the issue of homeland security grant funding. Today, I will join with my colleague, Senator DIANNE FEINSTEIN of California, and several other colleagues and ask that this amendment be accepted. It stands on the principle that the limited funds that are available from the taxpayers' pockets to pay for homeland security be prioritized based on security concerns and not divvied up based on porkbarrel politics.

I realize the first instinct, perhaps, of a body that represents as diverse a nation as ours, with 50 States, is to take whatever amount of money there might be for any particular project and figure a way to divide it up 50 ways.

We know our security risks are not based on that sort of structure or approach, and it is important that we do try to take the limited resources we have available for homeland security grant funding and allocate them on a risk-based approach.

This approach is pretty simple. It is so simple and so commonsense, it strikes me as unusual that it has not already been embraced by the Congress. It is simply a system that will protect our most vulnerable assets and populations, one that recognizes the need to protect the critical infrastructure and vital components of our national economy. It is vital that we better allocate our limited resources to the most vulnerable places in the country that we need to protect, and that these funds be distributed in an efficient and timely manner.

The principle upon which this risk-based funding is premised has three main criteria: threat, vulnerability, and consequence. That is, what is the greatest threat to our country? What is the greatest vulnerability in terms of if there was a successful attack against our Nation's infrastructure, what infrastructure would be the most vulnerable and have the greatest negative consequence on our country?

It requires States to quickly pass on Federal funds to areas where they are most needed as well and provides greater flexibility using these funds and that they be done consistent with federally established capability standards.

This amendment would allow States to retain authority to administer grant programs, but there are penalties to States that do not pass funds on to local governments within 45 days. If a State fails to pass the funds through, local governments may, under this amendment, petition the Department of Homeland Security to receive those funds directly.

This is an attempt to respond to one of the concerns I hear in my State from local governments and local authorities that are dependent on the State government to actually pass the funds through. In fact, despite the good work this body did on issues such as Hurricane Katrina and Hurricane Rita relief, we find that a lot of the funds that have been appropriated by Congress are simply bogged down in the bureaucratic structure when it moves from the Federal Government to the State government on to local governments.

So this amendment, which I hope our colleagues will support and which will actually result in a net increase in funds to 70 percent of the States, is based on two fundamental premises. One is that we ought to allocate those limited funds based on risk, vulnerability, and consequence, and that we ought to then try to get the money to the local officials and the local persons who need it most and to break it out of this bureaucratic structure that too often delays funds getting to the people who need it most quickly.

I also have offered an amendment separately, amendment No. 312, about which I wish to speak briefly. This is a terrorism recruiting prohibition and penalty that is lacking under our current law. We know it has been more than 5 years since we were attacked on September 11. It is important, as time works to ease the pain on that terrible day, that we in Congress ensure we are providing every possible tool to prevent another terrorist attack on American soil. We have made significant progress in updating our law enforcement and intelligence agencies, enabling them to better protect us at home and abroad, but there is still a lot we need to do.

One area we must address and is addressed by this amendment is the issue of terrorist recruiting.

The FBI and other agencies of the Federal Government have made it clear that al-Qaida and other terrorists are intent on striking us again. We know from the 9/11 report that al-Qaida is patient and willing to wait years to take advantage of an opportunity to attack us, and in the meanwhile, they carefully formulate how they will carry out their plan. According to congressional testimony, terrorists and terrorist sympathizers are seeking to recruit people within the United States. Of course, their goal is to find individuals who do not fit the traditional terrorist model who are willing to engage in terrorism. Recruiting these individuals who blend easily into our society provides al-Qaida and other terrorists an operational advantage.

This is not, however, an academic discussion. Let me use one example of why I believe this amendment should be adopted.

Intelligence documents regarding Khalid Shaikh Mohammed—the so-called mastermind behind 9/11—reveal that he was running terrorist cells in the United States. These documents also show that it was al-Qaida's goal to recruit U.S. citizens and other westerners who could move freely in the United States. They targeted mosques, prisons, and universities throughout the United States where they could identify and recruit people who they thought might be sympathetic to their cause and then persuade these individuals to join their terrorist organization.

Currently—and this is a shocking fact—we have no statutes specifically designed to punish those who recruit people to commit terrorist acts. The amendment I am offering would remedy this serious gap in our law. My amendment simply provides that it is against the law to recruit or, in the words of the amendment, ''to employ, solicit, induce, command, or cause'' any person to commit an act of domestic terrorism, international terrorism, or Federal crime of terrorism, and any person convicted of doing so would face severe punishment. This amendment would also provide that anyone committing this crime would be punished for up to 10 years in Federal prison. If death of an individual results, he or she would be punished, on a finding and conviction of guilt, to death or any term of years or for life. If serious bodily injury to any individual results, the punishment would be no less than 10 years or for no more than 25 years.

I believe this is a commonsense amendment designed to fill a serious gap in our Criminal Code that should not exist any longer, certainly not this long after 9/11. I urge my colleagues to support this amendment.

I have also offered amendment No. 311, which is one that is not unfamiliar to Members of this body. I offered this amendment during our immigration debates last year. It is one supported by the Department of Homeland Security because this amendment, which received bipartisan support last year, will remove current litigation barriers impeding the ability of the Secretary of Homeland Security to do his job;

that is, enforce the immigration laws, especially as they are related to apprehension, detention, and expedited removals of illegal aliens.

We know one of the most obvious symbols of the Federal Government's failure to deal with our immigration problem and our broken borders is the now repudiated catch-and-release program where, because of lack of adequate facilities to detain individuals, particularly coming from countries other than Mexico, they were often caught and then simply released on their own recognizance and asked to return for a deportation hearing at a later time. Unsurprisingly, the vast majority of these individuals did not appear for their deportation hearing but merely melted into the landscape.

In this particular instance, this amendment is designed to address a particular court-ordered permanent injunction issued in an immigration case 19 years ago. This is the Orantes case. This Orantes injunction has hindered the Department of Homeland Security to promptly remove, immediately after apprehension, Salvadoran illegal aliens.

While Secretary Chertoff has made great strides in increasing the number of illegal aliens from countries other than Mexico detained for removal along the southwest border and recently ended catch-and-release at the border, the limitations contained in this injunction still impede the enforcement efforts of the Department of Homeland Security.

Similarly, other longstanding injunctions have not only impeded the ability of the Department of Homeland Security to enforce our immigration laws but have also consumed vast amounts of resources and, in some cases, are now inconsistent with intervening changes in the law.

This amendment does not eliminate injunctive relief but only requires that injunctions be drawn narrowly and not unnecessarily impede the enforcement of our immigration laws. Congress enacted comparable legislation narrowing the basis for injunctive relief in the Prison Litigation Reform Act of 1995, and that legislation has been upheld by the Supreme Court.

This amendment would simply require that courts narrowly tailor injunctive relief orders against the Government in immigration cases. Courts must limit relief to the minimum necessary to remedy the violation; adopt the least intrusive means to remedy violations; minimize the adverse impact on national security, border security, immigration administration and enforcement, and public safety; and finally, provide an expiration date for injunctive relief.

This amendment would provide that preliminary injunctive relief would expire in 90 days from issuance of an order unless the court makes findings that permanent relief is required or makes the order final before the 90-day period.

This amendment would also require courts to rule promptly on all Government motions to eliminate injunctions in immigration cases.

If we are serious about creating an immigration law that will actually work, then we have to eliminate 19-year-old impediments, such as the Orantes injunction, to our ability to end once and for all the failed policy of catch-and-release when it comes to illegal immigration. I hope my colleagues will vote favorably for amendment No. 311, which will end this particular impediment, now 19 years old in the Orantes case.

The last amendment I have is amendment No. 310, known as the Zadvydas amendment because this amendment will strengthen the Government's ability to detain criminal aliens, including murderers, rapists, and child molesters, until they can actually be removed. This amendment arises out of a decision handed down by the U.S. Supreme Court—it is not a constitutional decision; it is merely based upon a statute, one which Congress can fix and which my amendment will fix. But this decision in June of 2001 simply provided that unless there is a reasonable likelihood that a criminal alien who is being held by the Government will actually be repatriated to their government within a given period of time, failing that, they must be simply released and cannot be held any longer by the U.S. Government. Although the Government has authority to detain suspected terrorists, under this decision, it has only limited authority to detain criminal aliens who have been ordered removed.

Under the Zadvydas decision, the Federal Government has had to release hundreds of dangerous illegal aliens into the American population. Among them is Carlos Rojas Fritze, who sodomized, raped, beat, and robbed a stranger in a public restroom and called it ''an act of love.'' Tuan Thai, who repeatedly raped, tortured, and terrorized women and vowed to repeat his crimes and who also threatened to kill his immigration judge and prosecutor, was likewise released because under this decision he could not be held pending repatriation to his country of origin.

Guillermo Perez Aguilar, who repeatedly committed sex crimes against children and was arrested for possession of a controlled substance, is also an example of an individual who had to be released into the American population because he could no longer be held under our immigration laws pending repatriation because of the Zadvydas decision.

The list of criminal offenders such as these is long, and it is simply unacceptable that these individuals can roam freely in American society because of the way our current laws are interpreted.

Zadvydas and Suarez Martinez, which is another case following the Zadvydas case, were simply statutory holdings, not constitutional holdings. As I mentioned a moment ago, Congress has the power—and, I would argue, the duty—to address these perils to our security by amending the Immigration and Naturalization Act. Indeed, in the Zadvydas opinion, the Court invited Congress to revisit the statute.

Another anomaly created by a recent decision out of the Ninth Circuit is a view that the Department of Homeland Security cannot even detain aliens during removal proceedings. Neither the Zadvydas nor the Suarez Martinez decision made any pronouncements on the Department of Homeland Security's authority to detain an alien prior to removal proceedings being completed and a removal order issued.

My amendment, which will essentially cure the defect found by the Supreme Court in the Zadvydas case, will clarify that an illegal criminal alien can be detained while removal proceedings are ongoing. Finally, it will provide that judicial review of ongoing detention, as with post-order detention, remains available in the U.S. District Court for the District of Columbia via habeas corpus proceedings. In other words, there will be periodic administrative review of the detentions and an opportunity for judicial review via habeas corpus in the U.S. District Court for the District of Columbia, which should address any constitutional concerns about indefinite detentions.

It is simply unacceptable that we should stand by and fail to act on this serious threat to public safety in this country, and this sort of inaction, when it comes to immigration, I think seriously undermines American confidence in their Government. What government would stand by and allow these dangerous criminal aliens to simply be released into the American heartland when their country of origin has refused or perhaps only delayed the repatriation of these individuals back to their country of origin?

We can fix this mistake and this great danger to America's national security by adopting this amendment.

I thank the Chair, and I yield the floor.

Mr. WEBB. Madam President, I ask unanimous consent to speak for up to 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Senator WEBB pertaining to the introduction of S. 759 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The galleries will refrain. It is not appropriate to show signs of appreciation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. WEBB). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

IMPROVING AMERICA'S SECURITY ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 4, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 4) to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

Pending:

Reid amendment No. 275, in the nature of a substitute.

Sununu amendment No. 291 (to amendment No. 275), to ensure that the emergency communications and interoperability communications grant program does not exclude Internet Protocol-based interoperable solutions.

Salazar-Lieberman modified amendment No. 290 (to amendment No. 275), to require a quadrennial homeland security review.

DeMint amendment No. 314 (to amendment No. 275), to strike the provision that revises the personnel management practices of the Transportation Security Administration.

Lieberman amendment No. 315 (to amendment No. 275), to provide appeal rights and employee engagement mechanisms for passenger and property screeners.

McCaskill amendment No. 316 (to amendment No. 315), to provide appeal rights and employee engagement mechanisms for passenger and property screeners.

Dorgan-Conrad amendment No. 313 (to amendment No. 275), to require a report to Congress on the hunt for Osama bin Laden, Ayman al-Zawahiri, and the leadership of al Qaida.

Landrieu amendment No. 321 (to amendment No. 275), to require the Secretary of Homeland Security to include levees in the list of critical infrastructure sectors.

Landrieu amendment No. 296 (to amendment No. 275), to permit the cancellation of certain loans under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Landrieu amendment No. 295 (to amendment No. 275), to provide adequate funding for local governments harmed by Hurricane Katrina of 2005 or Hurricane Rita of 2005.

Allard amendment No. 272 (to amendment No. 275), to prevent the fraudulent use of Social Security account numbers by allowing the sharing of Social Security data among agencies of the United States for identity theft prevention and immigration enforcement purposes.

McConnell (for Sessions) amendment No. 305 (to amendment No. 275), to clarify the voluntary inherent authority of States to assist in the enforcement of the immigration laws of the United States and to require the Secretary of Homeland Security to provide information related to aliens found to have violated certain immigration laws to the National Crime Information Center.

McConnell (for Cornyn) amendment No. 310 (to amendment No. 275), to strengthen the Federal Government's ability to detain dangerous criminal aliens, including murderers, rapists, and child molesters, until they can be removed from the United States.

McConnell (for Cornyn) amendment No. 311 (to amendment No. 275), to provide for immigration injunction reform.

McConnell (for Cornyn) amendment No. 312 (to amendment No. 275), to prohibit the recruitment of persons to participate in terrorism.

McConnell (for Kyl) amendment No. 317 (to amendment No. 275), to prohibit the rewarding of suicide bombings and allow adequate punishments for terrorist murders, kidnappings, and sexual assaults.

McConnell (for Kyl) amendment No. 318 (to amendment No. 275), to protect classified information.

McConnell (for Kyl) amendment No. 319 (to amendment No. 275), to provide for relief from (a)(3)(B) immigration bars from the Hmong and other groups who do not pose a threat to the United States, to designate the Taliban as a terrorist organization for immigration purposes.

McConnell (for Kyl) amendment No. 320 (to amendment No. 275), to improve the Classified Information Procedures Act.

McConnell (for Grassley) amendment No. 300 (to amendment No. 275), to clarify the revocation of an alien's visa or other documentation is not subject to judicial review.

McConnell (for Grassley) amendment No. 309 (to amendment No. 275), to improve the prohibitions on money laundering.

Thune amendment No. 308 (to amendment No. 275), to expand and improve the Proliferation Security Initiative while protecting the national security interests of the United States.

Cardin amendment No. 326 (to amendment No. 275), to provide for a study of modification of area of jurisdiction of Office of National Capital Region Coordination.

Cardin amendment No. 327 (to amendment No. 275), to reform mutual aid agreements for the National Capital Region.

Cardin amendment No. 328 (to amendment No. 275), to require Amtrak contracts and leases involving the State of Maryland to be governed by the laws of the District of Columbia.

Mr. LIEBERMAN. Mr. President, we return now to S. 4, Improving America's Security Act. This is the legislation that emerged from the Homeland Security Committee in response to the appeals of the members of the 9/11 Commission, and others, to finish the job we began with the previous 9/11 legislation we adopted. We made some progress last week in the first two days of consideration of the bill. We will have a vote sometime tomorrow on the motion to strike the provision of the bill that would give equal rights to transportation security officers at the TSA. We will begin debate sometime this afternoon on alternative proposals to those presented in S. 4 for distributing homeland security grant funds. We have important matters to debate and vote on in the next few days.

I know Senator REID and, I hope, Senator MCCONNELL want to finish this bill—that is, to bring it to passage—by the end of this week. I remind colleagues that S. 4 was reported out of the Homeland Security Committee on a strong nonpartisan vote, 16 to 0, with one member abstaining.

I thought, as we return to the consideration of S. 4, I might go back to a hearing our committee held on January 9 to consider this legislation, particularly to draw from the testimony of three of the witnesses before the committee that day, three women who lost loved ones on September 11, 2001. This is a way, before we get into the details of the bill, to remind ourselves why this legislation is before us and what it is all about. Those three women who testified before our committee on that day, shortly after the 110th session of Congress convened, were Mary Fetchet, Carol Ashley, and Carie Lemack.

These three women, as many Members know because we have come to know them, have worked tirelessly in the last five and a half years to take their grief, their loss, and bring it into the public square, to the Congress, to the place where laws are made, to do everything in their power to ensure that the tragic losses they suffered on that day would not have to be suffered by any other American in the future.

Their work produced the 9/11 Commission itself. It was a tough battle to actually create the 9/11 Commission. People were defensive. They didn't want it to be done by an independent commission. They wondered why it was necessary. But with the help of these women, we won that battle. Then when the Commission reported in 2004, we worked very hard with their help to adopt most of the recommendations of the Commission by the end of that year. This included the creation of the Director of National Intelligence to coordinate all of our intelligence, so we can now connect the dots to stop a terrorist act before it occurs; and the National Counterterrorism Center, which is now up and running and doing the same.

The statements of Mary Fetchet, Carol Ashley, and Carie Lemack at our Committee's hearing explain the importance of the legislation, S. 4, that is now before the Senate, and particularly the responsibility we in Congress have to continue the unfinished work of implementing the recommendations of the 9/11 Commission and of fixing the inadequate implementation of some of those recommendations or other gaps we have discovered since in our homeland security.

I want to talk about these three brave, patriotic women one by one, describe briefly who they are, and then quote from their testimony.

Mary Fetchet lost her son Brad, age 24, in Tower 2 of the World Trade Center on September 11. She is the founding director of the group called Voices of September 11th. At our hearing on January 9, Mary testified as follows:

I have made a personal commitment to advocate for the full implementation of the 9/11 Commission recommendations driven by the ''wake-up'' call when my son was senselessly murdered by terrorists on 9/11. It is my personal belief that almost six years later our country remains vulnerable, and although some progress has been made, much work remains ahead. We collectively—the administration, Congress, government agencies and interested individuals—have a

moral obligation and responsibility to work together to ensure our government is taking the necessary steps to make our country safer.

''A moral obligation and responsibility,'' as we debate the details of this legislation and consider the parliamentary tactics related to it this week on the floor of the Senate, that is, after all, what binds all of us together, certainly across party lines, in this body and around America—''a moral obligation and responsibility.'' Those were the words of Mary Fetchet.

Carol Ashley lost her daughter Janice, age 25, in Tower 1 of the World Trade Center on September 11, 2001. Carol has served on the Family Steering Committee for the 9/11 Independent Commission, which worked to help pass the Intelligence Reform and Terrorism Prevention Act of 2004. At our January committee hearing, Carol Ashley also discussed the importance of the legislation the Senate is considering today. I quote again:

Along with other members of the Family Steering Committee, I worked for passage of intelligence reform legislation in 2004 based on the recommendations of the 9/11 Commission. Our goal was to make our nation as secure as possible to reduce the chances that any other American families would lose a loved one to terrorism. Unfortunately, that bill did not fully implement the 9/11 Commission recommendations. Some that were included were not as strong as they should have been. The result is that more than five years after 9/11, there are still gaps in our security.

I continue to quote from Carol Ashley, mother of Janice, age 25, who was killed by the terrorists on 9/11 in the World Trade Center:

Tightening our security and upgrading preparedness is urgent. Although five years have passed with no terrorist attack on our soil, there is no way to know when, where or how the terrorists will strike again. To fulfill its foremost obligation to protect the American people, Congress must ensure through legislation and oversight that comprehensive security safeguards are in place; and if the terrorists succeed in breaching our security, that our federal, state and local agencies are fully trained, equipped and prepared to respond cohesively.

What we do here today is ''urgent,'' to use Carol's word. In the last week, there have been reports that al-Qaida and the Taliban are gaining strength in the lawless regions of Afghanistan and Pakistan, establishing training bases once again, planning to attack the United States again. We know we face growing threats from citizens living in countries that are our allies, as we saw last August when British officials disrupted a plot to blow up airliners on their way from the United Kingdom to the United States.

For these reasons and others, our task today is, in Carol Ashley's word, ''urgent.'' I hope we can—I am confident we will—overcome whatever divides us and work together to pass this legislation that will fulfill the powerful and relevant mandate of the 9/11 Commission.

Finally, of these three women whose voices we should hear as we go through this debate this week, Carie Lemack's mother, Judy Larocque, was a passenger on American Airlines Flight 11 on September 11, 2001, which crashed into the World Trade Center. Like Mary and Carol, Carie has worked tirelessly in support of efforts to improve America's ability to prevent and respond to acts of terrorism. She is a cofounder of the group known as Families of September 11. At our hearing in January, Carie also discussed the importance of fully implementing the recommendations of the 9/11 Commission report. I now quote from Carie Lemack at our hearing:

The 9/11 Commission made 41 recommendations. Roughly half of these recommendations have already been implemented, thanks in no small part to the efforts of this committee. The fall of 2004 was an extraordinary time. Many of us were inspired by your willingness to spend weeks and months making sure the Commission's recommendations did not fall on deaf ears. The passage of the 2004 Intelligence Reform and Terrorism Prevention Act was an historic moment, of which we can all be proud.

So much to be proud of, and yet so much more to do. More than five years after 9/11, the terrorist threat has inevitably grown a little more distant. Some experts are now telling us that it isn't as serious as we had thought. If al Qaeda is such a threat, why haven't we been attacked again? To answer that question, just ask the people of London, or Madrid, or Bali, or the other places where the terrorists have struck since 9/11.

Then Carie Lemack said to our committee:

The United States has not been attacked again. But we will be.

Thanks to the work of so many dedicated public servants we are safer than we were. But in the words of 9/11 Commission Chairman Thomas Kean, we are still not as safe as we need to be.

Carie said:

On the morning of September 11, 2001, my mother, Judy Larocque, left home to go on a business trip. She woke up early that day, at 5:30 a.m., in order to make her 8 o'clock flight to the West Coast. Oddly enough, even though I am not a morning person, I was up even before her that day, serving as a coxswain for the MIT graduate school crew team. As I glided on the Charles River that morning, I realized I could have called Mom before my 6 a.m. practice, just for a kick, since it was not often we were both up so early. But I didn't, thinking she might be running late (a trait she passed down to me and my sister) and knowing it would be easier to talk later in the day, once her cross-country flight landed.

I never did get to talk to Mom that morning, though I left many messages on her cell phone. To this day, I still find myself looking at my caller ID whenever the phone rings, waiting for it to say ''Mom's cell,'' waiting for the call from her that I never got that gorgeous fall morning.

I often think about what I would tell Mom if she called. I dream about it all the time. She was founder and CEO of a company, so I sometimes think I might tell her about founding the non-profit organization Families of September 11, which represents more than 2,500 individuals who chose to join our group and support the terrorism prevention work we do. I might tell her about the opportunities I have had in the past five years that she could never have predicted, like testifying before this esteemed committee today.

But the most important thing I could possibly tell her is that I love her, and that I am doing everything in my power to make sure what happened to her never happens again. That would come as no surprise to Mom. She brought my sister and me up to fix wrongs and make them rights.

Carie Lemack concluded, before our committee:

Today I am asking you to fix a small number of important wrongs, and make them right. Some of the important recommendations of the 9/11 Commission report have still not been implemented. I raise them not in the spirit of placing blame or making accusations, but rather in the hope that together we can own up to gaps, failures and mistakes in the past, so that we are not condemned to repeat them in the future.

End of a very deeply personal, compelling quote. It moved everybody in the room that day, as it moves me to read those words on the floor here today.

So much more to do, my colleagues. As Carie Lemack said, ''so much more to do.'' That is why we are here: to work together, and continue to improve upon the critical tasks that we have left undone and unfinished. That is our responsibility to Mary, Carol, Carie, and the tens of thousands of other Americans and citizens of nearly every nation on this globe who lost loved ones on September 11. We must work hard and never grow complacent as we face these challenges, in the same way that the generations who fought in World War II and the Cold War never grew complacent in the face of the threats to their freedom as Americans from fascism and communism.

That is what we are debating today. That is the significance of S. 4, the Improving America's Security Act of 2007. That is why I thank my colleagues for their attention, for their dedication to getting this right, and for the debates and votes we will conduct in the days ahead, leading, I am confident, by the end of this week, to the passage of this critically important legislation.

Mr. President, 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.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 335 TO AMENDMENT NO. 275

(Purpose: To improve the allocation of grants through the Department of Homeland Security, and for other purposes)

Mrs. FEINSTEIN. Mr. President, I call up amendment No. 335, please.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes an amendment numbered 335.

Mrs. FEINSTEIN. I thank the Chair.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mrs. FEINSTEIN. Mr. President, I rise today to offer an amendment which ensures that critical homeland security resources are allocated predominantly on the basis of risk, threat, and vulnerability. I am pleased to be joined by my colleague from Texas, Senator JOHN CORNYN, as well as Senators LAUTENBERG, HUTCHISON, BOXER, SCHUMER, CLINTON, OBAMA, MENENDEZ, KERRY, COBURN, and CASEY. I understand that Senator COBURN and at least three of the other cosponsors will be coming to the floor, and I certainly welcome them. Our amendment provides an alternative that is consistent with the recommendations of the 9/11 Commission.

Let me refresh the Members' view of the 9/11 Commission. This is the recommendation:

> Homeland security assistance should be based strictly—

Strictly is underlined—

> on an assessment of risks and vulnerabilities.

And:

> Federal homeland security assistance should not remain a program for general revenue sharing.

Now, I know that is difficult for smaller States, but I also know this is a bill that is aimed to comply with the recommendations of this Commission. So I hope it will be given some attention.

The amendment we are offering today would allocate homeland security grant funds based on risk and threat analysis. This covers most grants for interoperable communications, seaport and airport security, as well as the State Homeland Security Grant Program, the Law Enforcement Terrorist Prevention Program, the Urban Area Security Initiative, and the Citizen Corps Program. We accomplish this by reducing the State minimum formula. Currently, each State receives .75 percent of the State terrorism preparedness grant money appropriated to the Department of Homeland Security. Now, what does this mean? This means that nearly 40 percent of the grant funds must be allocated regardless of risk analysis. This amendment will reduce that State minimum to .25 percent; in other words, from .75 to .25. Lowering this minimum ensures that only 12.5 percent of the grant funds are set aside for all States, regardless. Even if they have no threat, they can get that amount of money.

Also, 87.5 percent would be allocated based purely on risk and threat assessment. This would give the Department of Homeland Security the flexibility necessary to put money where it is most needed. This means that more dollars will go to the places that face serious threats and where dollars can do the most good and, as I say, it is consistent with the 9/11 Commission.

So what does that mean in real dollar terms? Last year roughly $912 million in grant funds were distributed to homeland security-related planning, equipment, training, and law enforcement support needs related to terrorism prevention. It broke down like this: Only 60 percent of the money, or $547 million, was allocated based on risk. Forty percent, or $365 million, went to satisfy the guaranteed minimum for all States—exactly what the 9/11 Commission said we should not do.

If the Feinstein-Cornyn amendment were in place, an additional $426 million would have been distributed strictly on risk, threat, and vulnerability. That would have brought the total to $791 million—nearly 90 percent of the funds. I believe this would have been the right thing to do. Instead, the places where the most funding is required are being shortchanged. Let me give my colleagues an example.

Last year the breakdown of funds distributed through the State Homeland Security Grant Program and the Law Enforcement Terrorist Prevention Program meant that some States with relatively low risk were receiving more funds per person than States with higher risk. We have all heard this. Now my State, California's share of this grant funding amounted to $2.50 per person. Texas, another large State, received $2.25 per person. Yet Wyoming received $14.75 per person. California is the most populous State in the Union. We have about 37 million residents. We have the Nation's largest ports, iconic bridges, towering skyscrapers, enormous infrastructure, and the busiest border crossing in the world. Texas, with 23.5 million residents, has great cities, towering skyscrapers, vital industries, and a vast international border. Wyoming—I don't want to pick on Wyoming. Love it. But as a State it is like a national park. Wyoming, with 515,000 residents, is a largely rural State.

As a member of the Intelligence Committee, I pay close attention to the classified intelligence on terrorist threats. Regrettably, for those living in States with higher threat profiles, there is reason for concern. Major cities such as Los Angeles have been an elusive al-Qaida target for years. A public example outlining the severity of this post-9/11 threat was acknowledged by President Bush in his State of the Union Address earlier this year. The President said:

> We stopped an al-Qaida plot to fly a hijacked airplane into the tallest building on the West Coast.

This is the tallest building on the west coast. It is the Library Tower Building—it has a new name now—the old Library Tower Building in Los Angeles, the tallest office building west of the Mississippi. It is home to more than 3,000 people during a typical workday.

Al-Qaida and its allies do not attack based on an obscure formula to spend money evenly. They attack by prominence, number of people they can kill, and the psychological value of taking out America's great landmarks. Homeland security money must correlate with this threat and risk; otherwise, it is quite simply wasted. This is the reality of the world in which we live. We can never predict when or where the next major attack may occur, but we can apply tough-minded discipline to use our finite financial resources effectively.

Allocating our critical resources effectively is built on a three-pronged approach: One, risks of potential terrorist attacks must be accurately assessed; two, the vulnerability of critical infrastructure and potential targets must be measured; and, three, resources must be distributed based on these assessments.

The Department of Homeland Security was created to accomplish these goals. This amendment provides the flexibility and resources for the professionals to do so.

Let me make no secret. I would prefer to allocate 100 percent of homeland security grants based on risk and threat and believe that eliminating mandatory outlays to States is good public policy. It is safe public policy. But I understand the realities of the Senate. So this amendment is a compromise which makes us all safer and benefits in some way all 50 States.

There are some who say that small States would be put at a disadvantage by this amendment. This is simply not true. Thirty-five States—70 percent of the Nation—would actually receive increased grant money for terrorism preparedness under this amendment. States as diverse as Connecticut, South Carolina, and Colorado will benefit. Risk-based funding will bring more Federal dollars to smaller States with high-threat profiles.

Here are 35 States that benefit from risk-based appropriations, and you can see them on the chart. They are in the green: California, Washington, Idaho, Nevada, Arizona, Colorado, North Dakota, Nebraska, Kansas, Oklahoma, Texas, Iowa, Missouri, Louisiana, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Kentucky, Ohio, Pennsylvania, New York, Vermont, Massachusetts, Connecticut, New Jersey, Delaware, and Maryland.

This bill does not impact the primary all-hazards grant programs, such as the emergency management performance grants and the Assistance to Firefighters Program. In fact, under current law, nearly 40 percent of these funds are set aside for small State all-hazards preparedness. This adds up to at least $7 million per State based upon the authorization for emergency management performance grants in the underlying bill.

There are those who will also make the argument that recipients of homeland security grant funds are not held accountable, as money is often wasted. Our amendment increases the efficiency of Federal dollars by ensuring that these critical funds actually go toward programs and efforts that prevent

acts of terror. It requires entities receiving these funds to undergo periodic audits conducted by the Department, and it mandates that the appropriate performance standards are met.

Finally, the amendment ensures that States quickly distribute Federal dollars to localities where they are needed and not hold them back. Four years ago, the President signed Homeland Security Presidential Directive 8, requiring the Department of Homeland Security to allocate grant money ''based on national priorities.'' Four years later, despite this Presidential directive, this remains unmet, an elusive target.

The 9/11 Commission report makes clear that there are imbalances. It offers sensible advice. We should take that advice. In our amendment, we have tried to do that. Among the Commission's observations and conclusions, ''Homeland security assistance should be based strictly on assessment of risk and vulnerability and, finally, Congress should not use this money as pork barrel.'' I could not agree more. In a free-for-all over money, it is understandable that Representatives will work to protect the interests of their home States or districts. But this issue is too important, they say, for ''politics as usual'' to prevail.

Well, I think the 9/11 Commission got it right. The national interests must trump geographical interests when it comes to national security. I thank Senators LIEBERMAN and COLLINS for their dedication and leadership. I am encouraged that their approach has been modified. I clearly would like to modify it more. That is what this amendment is all about. They have acknowledged that funds should be allocated more along the lines of risk and threat.

Nevertheless, their proposal to set aside 25 percent of funds for all States, I believe, in the world we live in, with the intelligence that crosses my desk, indicates it is too high an amount.

This amendment offers a reasonable alternative that takes a significant step toward improving our Nation's homeland security. So I thank my cosponsors. I see that one is on the floor. I would like to yield, if I may, to the Senator from Texas, Senator KAY BAILEY HUTCHISON.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I appreciate so much the leadership of the Senator from California. We have talked about this many times, ever since 9/11, the Department of Homeland Security being created by Congress and requested by the President. But the fact is, I think the distinguished Senator from California has laid out the case very well. We have certain areas that, with our intelligence and with the activities that have been uncovered, we know are high-risk areas.

It is in the interest of all Americans, of every State, that we allow the Department of Homeland Security, with its intelligence grid, to determine where the needs are greatest from a risk perspective. That is exactly what the Feinstein amendment does. I am very pleased to be a cosponsor with my colleague from Texas, Senator CORNYN; Senator FEINSTEIN; Senator BOXER. Many States that have the problems that we see are understanding of the need for this amendment.

I will give you one example. Texas is, as Senator FEINSTEIN said, the second largest State in population, the second largest State in area as well. We are second behind Alaska in area and second behind California in population. But more important than that is we have many areas that could be terrorist targets. In particular, I point out the ports, and the Port of Houston especially. Texas has 29 ports. Four of these are among the 10 busiest in the Nation. The Port of Houston is one of the most important ports in the world. It ranks first in the United States in foreign waterborne tonnage, second in total tonnage. It is the sixth largest in the world. It is also home to one of the biggest petrochemical complexes in the world. It is also part of our Nation's U.S. Strategic Petroleum Reserve, the world's largest oil stockpile.

Due to the volume of hazardous materials, a terrorist attack in the Port of Houston would be an enormous disaster. An attack in the Port of Houston could disrupt our Nation's energy supply, delivering a blow to our economy at a time when we cannot afford such a disruption. It has been estimated that as much as 18 percent of our Nation's refined petroleum products come through the Port of Houston chemical complex.

We saw what happened after Katrina and Rita came ashore in 2005, where America's energy coast was heavily damaged. Imagine the impact to the economy if 18 percent of our refining capacity was disrupted. It would be a huge economic and financial and, of course, human loss.

The amendment I am cosponsoring with Senator FEINSTEIN would require that Federal homeland security funds be allocated to States according to a risk-based assessment. Of course, that is the way these funds should be allocated. It would cover the major first responder grant program administered by the Homeland Security Department. It is only by doing this that all of our country and the people of our country will be the most safe. It is also consistent with the 9/11 Commission's recommendations to distribute homeland security assistance based upon threat and vulnerability assessment.

This amendment is aligned with the Department of Homeland Security's goals for the increased allocation of grant funding based on protecting national priorities. I hope that all of our colleagues will see that protecting our Nation's highest priority areas will be in the interest of every American, rather than getting into the State-by-State squabbles, when, frankly, the big States usually lose because there are fewer big State votes in the Senate than small States. So if we go to the parochial interests of people from their States wanting more security grants, it is going to be hard to do the right thing.

I submit to my colleagues that we should be looking at where the terrorists might strike and hurt all of our citizens, and that should be the basis upon which these risk-based grants would be awarded to the States.

I thank my colleague from California for taking this initiative because it is so important for our country that this amendment be passed.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank the distinguished Senator from Texas for her support on this. I think we are both alike in that we say wherever there is threat and risk and vulnerability, that is where the money should go. If it is the State of Texas, that is fine with me. If it is the State of California, that is fine. If it is New York, Florida, Connecticut or Maine—wherever the threat and risk is—that is where the money should go. It is clear to me that the big States have felt very aggrieved. Big States with big landmarks, big ports, big oil and petroleum reserves and that kind of thing, feel definitely that they don't get the money they need to provide the protection they need. To that end, on March 5, I received and Senator CORNYN received a letter signed by Governor Schwarzenegger of California, Governor Spitzer of New York, Governor Crist of Florida, and Governor Perry of Texas.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 5, 2007.

Hon. DIANNE FEINSTEIN,
Hon. JOHN CORNYN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN AND SENATOR CORNYN: We are writing to thank you for your leadership in working to assure that Department of Homeland Security (DHS) counterterrorism grant programs recognize the homeland security needs of the United States. Any effective strategy to secure our nation must apply risk-based analyses to manage the threat from terrorism. We believe that the Homeland Security FORWARD Funding Act of 2007 will provide much needed changes to these programs by better recognizing the risks and vulnerabilities faced by larger states such as California, New York, Florida, and Texas.

We support the efforts of your bill to build a coordinated and comprehensive system to maximize the use of federal resources and to provide clear lines of authority and communication. Your bill will further the efforts of DHS, cities, counties and state agencies as they continue to work together to detect, deter and respond to terrorism. Specifically, we appreciate the following provisions of the bill:

Follows the 9/11 Commission Report recommendation to better allocate federal resources based on vulnerabilities;

Analyzes risks, threats, vulnerability, and consequences related to potential terrorist attacks; current programs do not give full consideration to our states' urban population centers, numerous critical infrastructure assets, hundreds of miles ofcoastland, maritime ports, and large international borders;

Reduces the ''small state'' minimum from 0.75% to 0.25%, providing each state a baseline award while allocating an increased level of funds based on risk; the current base + per capita method allocates a disproportionate share of funds to states with small populations;

Continues the Law Enforcement Terrorism Prevention Program and exempts the program from the base percentage, allocating all funds based on risk;

Maintains the Emergency Management Performance Grant program as a separate program focused on capacity building for all-hazards preparedness, response, recovery and mitigation;

Continues the central role of states, building on existing systems that effectively coordinate planning efforts and ensure accountability;

Allows for limited regional applications from previously-designated UASI cities or other urban areas with at least a population of at least 500,000;

Retains the central role of states as the administrative agent for the grants to ensure regional applications are consistent with statewide plans; and

Recognizes the importance of national standards for evaluating the ''essential capabilities'' needed by state and local governments to respond to threats.

Your continued support for improving the nation's ability to detect and deter and coordinate responses to terrorist events is appreciated.

Sincerely,

ARNOLD SCHWARZENEGGER.
CHARLIE CRIST.
ELIOT SPITZER.
RICK PERRY.

Mrs. FEINSTEIN. Mr. President, I yield the floor.

Mr. LIEBERMAN. 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.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mrs. FEINSTEIN. 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.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I rise in opposition to the amendment offered by my friend from California and my friend from Texas.

Let me first start by telling my colleagues that this is virtually identical to the same proposal the Senate voted on last July during consideration of the Homeland Security appropriations bill. In fact, the Senate has repeatedly voted on this formula issue throughout the past few years. The Senate has also repeatedly rejected the approach put forth by my colleagues from California and Texas. The last time this amendment was voted on, it was defeated by a vote of 36 to 64.

This map says it all. The amendment offered by the Senator from California would cut homeland security grant dollars for 34 States and the District of Columbia. I emphasize that because I think by any reasonable analysis, the District of Columbia is a high-risk area. I am not stressing the District of Columbia just because the Presiding Officer is from Virginia but, rather, because it is an area that has been the subject of a terrorist attack.

What the Feinstein-Cornyn amendment would do is reallocate the funding to turn it over to 16 States that already receive 60 percent of the funding. I think we have a basic philosophical disagreement in discussing how the homeland security money should be allocated. I certainly agree that risk should be a factor, but I also believe—and the testimony before our Homeland Security Committee confirms—that all States need to receive a predictable, reasonable base allocation of homeland security funding. States need that predictable multiyear funding in order to fund complex multiyear projects, such as creating interoperable communications networks or first responder training programs. Risk-based funding, even if it is distributed properly, is important, but it is likely to fluctuate dramatically from year to year.

Furthermore, the minimums in this amendment are simply too low. Under this amendment, each State would only be assured of $2.28 million under the authorized levels for the Homeland Security Grant Program. That is just about half of the proposed Homeland Security Grant Program minimum in S. 4. I encourage Senators to talk to the first responders in their States—the police officers, the firefighters, the emergency managers—to find out what gaps in homeland security would be left unfilled if they faced such a reduction.

As one can see from this chart, there would be a substantial reduction under all of the homeland security programs. Let's take the interoperability program. We know States have not made nearly the progress that needs to be made in having compatible communications equipment. That was certainly one of the lessons from 9/11, where so many first responders lost their lives because they simply could not talk to one another. When the Homeland Security Committee did its in-depth investigation into the failed response to Hurricane Katrina, we found exactly the same kinds of interoperability problems. In fact, we found there were parishes within Louisiana where, within the same parish or county, the firefighters could not talk to the police officers, who in turn could not talk to the emergency medical personnel.

The only way to ensure a base level of security and preparedness in each and every State is to require that there be a reasonable minimum amount of homeland security grant funding awarded to each State.

The National Governors Association has said it well. The NGA has written to me that:

To effectively protect our States and territories from potential terrorist events, all sectors of government must be part of an integrated plan to prevent, detect, and respond to and recover from a terrorist act. For the plan to work, it is essential that it be funded through a predictable and sustainable mechanism both during its development and in its implementation.

It is important to note that the law requires States to develop 3-year homeland security plans, and we are requiring any homeland security funding be used to accomplish those plans and to meet minimum levels of preparedness.

I am surprised that many who are offering this amendment, which would give the Department even more latitude than it has now, are the same people who are expressing outrage at the way the Department used its authority last year to allocate the funding. I note that I joined in that outrage. As I told Secretary Chertoff at a hearing before our Homeland Security Committee, I would not have guessed he could have made both the State of Maine and New York City equally unhappy in how he allocated homeland security funds, but he managed to do just that.

The Department is moving away from the methodology it used last year to allocate funding based on risk. New York Senators were very eloquent in describing the risk analysis DHS had used. For example, my colleague, Senator SCHUMER, said:

The way that the Department of Homeland Security has given out high-threat funding defies logic, and it is dangerous.

That was typical of the comments that were made.

I agree with my colleagues, and that is why we were so careful to come up with a different approach and one that includes strong accountability measures to address concerns, that requires the Department of Homeland Security to provide Congress with its risk allocation methodology in advance, and that also provides a predictable, stable level of funding which will allow States to meet their diverse needs.

One of the important parts of the funding formula the Senator from Connecticut and I have labored so hard to put forth is providing assistance to law enforcement to try to detect and prevent attacks from happening in the first place.

I must remind my colleagues that the leader of the attacks on our country on 9/11 started his journey of death

and destruction not from a large urban area but from Portland, ME. Just think if we could have detected that plot and arrested Mohamed Atta in Portland, ME, before he launched his attack.

Risk is not an easy calculation. We saw that last year when the Department brought forth its very flawed methodology that made so many of us unhappy. But, unfortunately, we are seeing that approach used again by the Feinstein-Cornyn amendment because that flawed methodology which the sponsors of this amendment have embraced results in cuts to the District of Columbia—clearly a high-risk jurisdiction—and yet it would reduce funding for the District of Columbia. I think it jeopardizes the funding for 34 States—34 States, many of them border States that have obvious vulnerabilities, many of them coastal States that have obvious vulnerabilities. Then there is Kansas, with the threat of agraterrorism, about which I know the distinguished Senator from Kansas has been very concerned. Think of an attack on our food supply. That is much more likely to occur in a rural area. Think of an attack on a nuclear powerplant in a rural area.

The point is, we have a lot of critical infrastructure in this country that is located outside our large urban centers. So we have to avoid embracing a flawed methodology, and we have to recognize that every State has risks and vulnerabilities and every State needs to achieve minimal levels of preparedness, and we clearly are not there yet.

I hope we will, once again, turn down the well-intentioned but misguided amendment offered by the Senators from California and Texas. I believe it would really cause problems for our country as we try to strengthen our homeland security.

I end this segment of my comments by noting a report by the RAND Corporation that was prepared for the National Memorial Institute for the Prevention of Terrorism in Oklahoma City, another place where there was a terrorist attack that would not generally be considered a high-risk area. It says:

> Homeland security experts and first responders have cautioned against an overemphasis on improving the preparedness of large cities to the exclusion of small communities or rural areas, and it recognizes that much of the Nation's infrastructure and potential high-value targets are located in rural areas.

I thank the Chair.

The PRESIDING OFFICER (Mr. DURBIN). The Senator from Kansas.

Mr. ROBERTS. Mr. President, I associate myself with the remarks of the distinguished Senator from Maine, who does such an outstanding job, along with the distinguished chairman of the Homeland Security Committee. I, too, rise in strong opposition to the amendment that is proposed by Senator FEINSTEIN. Senator COLLINS pretty well summed it up, and my remarks might be somewhat repetitive, and I think they need to be.

I know the Senator from California, no doubt, has the best of intentions. She has been an excellent member of the Intelligence Committee, when I had the privilege of being the chairman of that committee. She is working simply to increase the grant funding—which on the surface of it makes some sense—to high-population areas. I just don't think that reducing funding for the majority of our States and our great Nation, as the distinguished Senator has pointed out with her chart, is a viable way to protect against terrorism.

If we as a country are going to be adequately prepared for another terrorist attack, we must not forget that we are vulnerable on all fronts. The States that would be negatively impacted by this proposal contain some of our Nation's most valuable assets.

If we are going to reduce funds to States such as Kansas, this amendment tosses aside the risk to agriculture, as the Senator has pointed out, agraterrorism, although we don't use that term anymore because it used to scare a lot of people. We just call it ''food security,'' and it is a big-ticket item. Basically, that is the ability of our Nation's intelligence community, 19 different agencies, to protect our Nation's food supply, not to mention the oil and petroleum facilities that provide invaluable energy in this time of need to many Federal buildings and places of national significance that are scattered throughout our great Nation.

So we cannot let ourselves believe if we only protect large cities and high-population States, we will be safe from the devious and the calculating minds of those who wish to do us harm. You only need to look at the Oklahoma City tragedy to understand this. Rather, preparing for what we expect in the densely populated area is a sure-fire way to be shocked and horrified should the unthinkable happen again.

This legislation has been considered before. It was defeated soundly. To add it now as an amendment disregards the hard work many have done to negotiate a funding formula that most benefits our entire economy and our entire country. We cannot afford to compromise the security of an entire Nation for the benefit of a few areas. It is not where the people are, it is where the terrorists will attack and how and when.

Let me say when I was the chairman of the Emerging Threats Subcommittee on the Armed Services Committee, I went to a secret city in Russia—there are approximately 11 of them—and they let us into a few because we had the Nunn-Lugar program that paid the scientists the Russians used to have making various armaments and bioweapons and viruses and all sorts of things. It certainly gives you pause to think about the fact that when Ronald Reagan called the former Soviet Union the ''evil empire,'' he was correct, if you looked at the stockpile of this weaponry. We were granted access to this research center, which is located outside of Moscow, about 60 miles. It is called Obninsk. We went in and saw what was being manufactured. I can assure you when they opened up the refrigerator doors, we stepped back a little bit.

I will not go into everything in terms of what was being manufactured there, some of which is classified, but we thought under the Nunn-Lugar program the best thing we could do was to provide security. Yet how easy would it be for a terrorist group or somebody within the organized mafia of Russia today to latch on to any part of this stockpile, of which there are a great many, and transfer that to the United States and attack our food supply?

We have had exercises. I have taken part in exercises. There was an exercise in regard to hoof and mouth disease. What happened was we got into a situation where the infestation period was 6 days, and we got past that, and then utter chaos developed. We lost in the process a large number of our livestock herd, all of our export stock, and when people finally figured out their food doesn't come from grocery stores, there was panic in our cities. We basically endangered our food supply not only for 1 year but for several years running.

This is a very real threat. I can tell you as a former chairman of the Intelligence Committee, we worked very hard to get the intelligence community to first assess this and then to assess it in terms of a priority risk and a threat. That is exactly what we have done. This amendment does great harm to that effort and to adequate funding for all States and to assess the threats that certainly face all Americans. I am very hopeful we will oppose this amendment.

Let's repeat what we have done in the past and safeguard all Americans as opposed to the individual, or the individual many, if that is the proper way to put it.

Mr. President, I yield the floor.

Mr. LIEBERMAN. Mr. President, what a pleasure to see you as the occupant of the Chair.

The PRESIDING OFFICER. It is a pleasure to have the Senator address the Senate.

Mr. LIEBERMAN. Mr. President, I first thank the Senator from Kansas for his very compelling statement in which he speaks not so much on behalf of Kansas as based on his experience as the immediate past chair of the Intelligence Committee. He speaks to the threat of agro-terrorism. We ought to start talking about it in that way again because it makes it so real.

Like so many of the vulnerabilities we have in this terrorist age, where we have to worry about things we could not have imagined before, these are things we have to now both imagine and defend against. That is part of the

capacity that will be preserved in the funding formula that is fair and balanced found in the underlying bill, S. 4.

I rise to oppose the Feinstein amendment. Senator FEINSTEIN's amendment is actually one of three that will be introduced to change the funding formula for homeland security and natural disasters security that is in this underlying bill. Senator OBAMA has one which he will introduce tomorrow, Senator FEINSTEIN has introduced this today, both of which would reduce the minimum first aid share. Senator OBAMA's would reduce the guaranteed funding share for 32 of the States in the country as compared to S. 4, the bill under consideration; and Senator FEINSTEIN's would actually reduce the funding, as the chart Senator COLLINS held up indicates, for 34 of the States of our Union. Senator LEAHY of Vermont will introduce an amendment that will increase the minimum per State to .75 percent of the total.

In some sense, with two amendments trying to cut back the minimum per State and one intending to increase it, I hope that it suggests that Senator COLLINS and I and our committee have found a reasonable middle ground that gives most of the money to the States based on risk but recognizes that the risk to homeland security is national and not confined to the larger cities or the most prominent targets, as Senator COLLINS and Senator ROBERTS have made clear. We know, tragically from terrorist acts across the world, that terrorists have struck discotheques, schools in smaller town areas, and obviously metros and subways in other areas.

Our proposal gives out most of the money based both on risk and a minimum per State so they can deal with their own local vulnerabilities. The members of the committee chose, I believe in our good judgment in this case, to establish the Homeland Security Department as an all-hazards protection department, not just protection against the terrorism we fear after 9/11, which we have, as I said earlier, a moral responsibility to protect the American people from. At the same time, because there is overlap, we can enable the States and localities and the Federal Government to protect their citizens against the impact and harm caused by natural disasters.

In that sense, the funding formula in the underlying bill, S. 4, not only embraces and implements the lessons learned from 9/11 but also the lessons learned from Hurricane Katrina. It accurately reflects the world we live in today, a world where we know we have to protect the American people from acts of humans while also being able to respond to acts of nature.

The second point I want to make is that these fights over funding formulas—and this is what we are in now—are well-intentioned, they are spirited, and they are important, but we must not be distracted from the larger point here, if I may say so respectfully, which is that it is not only who gets how much of the pie that is important, but equally important, perhaps ultimately more important, is the question of: How big is the pie? How much money is our country, our Federal Government, prepared to invest in protecting the security of the American people from another terrorist attack or from a natural disaster?

I am very proud that this bill, S. 4, authorizes significant additional funds for homeland security grants and related grants, restoring, in the case of homeland security grants, overall funding to the fiscal year 2004 level of $3.1 billion for each of the next 3 years. The fact is, shockingly, if we stop to think about it, that the administration has recommended cuts in homeland security grant funding since 2004.

The threat has not gone down. We know, in fact, of publicly reported intelligence that al-Qaida and the Taliban are again amassing in the area of the mountains between Pakistan and Afghanistan, that training camps are being established there again, and that people are coming to train not just to fight in Afghanistan but with the heightened probability that they will plan terrorist attacks against the rest of the world, including American targets. Nonetheless, the funding for these homeland security grants has gone down over the last 3 years.

What is our goal? It is not a lavish or radical one in terms of funding. This bill proposes to take us back to the level at which we were funding one category of grants, homeland security grants, to where it was in fiscal year 2004, $3.1 billion, and to continue that at that same level for the next 3 years. If we do that, this legislation will send a strong signal that this trend of cutting homeland security funding is over. It will send a message that we are not disarming our first responders, or squeezing them as they attempt to protect us and prevent terrorist attacks.

This increase in funding will also send another message. Just as we support our troops fighting in the war on terrorism throughout the world, we need to adequately support our troops, I would call them, our first responders, our firefighters, our police, and our emergency response personnel. We need to support those who are on the front lines fighting for us, protecting us when disaster strikes right here at home in the United States.

While we go on with this debate on these three amendments that seek to alter the funding formula in the underlying bill, S. 4, I hope we will all keep in mind that this legislation authorizes, and if adequately funded by our colleagues on the Appropriations Committee, a significant expansion in the size of America's homeland security grant funding pie.

I also will talk briefly about the specific programs this legislation will authorize that the three amendments, Senator FEINSTEIN's, Senator OBAMA's, and Senator LEAHY's, would alter, two cutting and one adding to our allocation to each State in the country. Two of the four funding programs dealt with in this underlying bill are devoted specifically to dealing with the risk of terrorism, to improving the capacity of State and local responders to do exactly that.

Two others are also designed to address all hazards; in some sense to maximize what we get for our investment. When I say ''all hazards,'' I am speaking of natural disasters. As we saw in Katrina, that can cause as much or, in some cases, more damage to our country and our people than a terrorist attack.

Let me go first to risk-based funding for urban areas, one of the four programs. S. 4 authorizes in law the Urban Area Security Initiative, known in the field as UASI, to assist high-risk urban areas in preventing, preparing for, and responding to acts of terrorism. All UASI funds would be given to the urban area based on risk—totally based on risk—from a terrorist attack and the effectiveness of the proposed uses in addressing that risk. There is no minimum funding per state or locality. It is totally up to the Department of Homeland Security's assessment of risk.

The 100 largest metropolitan areas in the United States would be eligible to apply for funding. I am pleased to say here, too, we increased the funding; $1.279 billion would be authorized for UASI for each of the next three years, which is significantly more than the $770 million provided this year or the $800 million proposed in the administration's fiscal year 2008 budget.

The second risk-based funding for states, the other program designed specifically to help state and local officials cope with the risk of terrorism, is the State Homeland Security Grant Program. S. 4 authorizes this program to be funded at $913 million for each of the next three years to assist state, local and tribal governments in preventing, preparing for, and responding to acts of terrorism. This is a significant increase over the $550 million that would go to this State Homeland Security Grant Program this year, not to mention the $250 million cut of the $300 million of the President's proposed budget in this program for fiscal year 2008. Most important—and I think it is very significant with all that will be said about the formulas—as we calculated under the approach of S. 4, an estimated 95 percent of these so-called SHSGP funds, State Homeland Security Grant Program funds, would be given out based on risk to the state from a terrorist attack, and on effectiveness of the proposed uses in addressing that risk.

While each state would be assured of receiving a minimum of .45 percent of the overall funds of this program, the Department will calculate distributions based on risk first and then only make any adjustments necessary to bring all the states up to the guaranteed minimum.

As we apply the formula of risk allocation that the Department applied this year, we come to the conclusion that 95 percent of these funds would actually be distributed based on risk.

The third program: All-Hazards Emergency Management Funding. This is a reorganized, refocused, and greatly increased program that will have tremendous effect in protecting the American people from all hazards, manmade and natural. S. 4 authorizes what we call the Emergency Management Performance Grants Program, EMPG, to assist states in preparing for and responding to all hazards, including natural disasters, other manmade disasters, and terrorism. The legislation significantly increases the authorization amount for this critically important program from about $200 million to $913 million for each of the next three years. That is obviously a significant increase, four and a half times what it is now. Each state would receive a base amount of .75 percent of the overall funds, with the remaining funds distributed in proportion to a state's population, which continues the current allocation practice. This program, as I have said, is an all-hazards program. Every state in the country is vulnerable or subject to be the target of some kind of hazard, whether it is terrorism or a natural disaster that is different depending on which part of the country you are in, which is a hurricane, a tornado—as we have seen occur last week with devastating effect on our fellow Americans, earthquake—of which we have seen too many taking precious lives and destroying property all across our country. I speak of these natural disasters. These are risks that all States face so we think it appropriate to ensure that each State receives .75 percent of the overall funding.

Finally, the fourth program is Dedicated Grants for Communications Interoperability. In our committee, Senator COLLINS and I worked very hard on this, and I must say we are very proud to establish this grant program. It is dedicated to improving communications operability and interoperability at local, regional, state and federal levels. We have been through this on the floor before. We saw both on 9/11 and in Hurricane Katrina, when first responders cannot talk to one another because they have different radio systems or they can't talk at all because the systems have broken down, response to the disaster is greatly compromised and lives are lost. That is exactly what we are aiming to prevent with this.

Incidentally, this is a problem that is not new with 9/11 or with Hurricane Katrina. The truth is, it has gone on unsolved for years, even though we had evidence of it from 1982, when Air Florida crashed in Washington, to the 1995 attack on the Alfred E. Murrah Federal Building in Oklahoma City, to the 1999 shootings at Columbine High School near Little, Colorado. In each of those cases, there were communication breakdowns, not as well known as those on 9/11, that compromised the response and compromised the safety of our fellow Americans. This is a national problem. It affects all states. That is why we propose that each state would receive a minimum of .75 percent of the total funds. This legislation authorizes a total of $3.3 billion spread out over five years for this communications interoperability grant program.

I wish to stress here about this and about the Homeland Security Grant Programs, that we are mindful of the few cases—but too often cited by critics—in which local governments have used grant money under these programs in ways that do not, to any of us, seem like they relate. In the case of interoperability communications, we state very clearly in the bill that to qualify for these programs you have to make a proposal that is not just something the local law enforcement chief thinks would be a nice thing to have, it has to be consistent with a state's emergency communications plan in the National Emergency Communications Plan. Otherwise, states are simply not going to receive funding.

The same is true in the Homeland Security Grant Fund Program. One of the bases of the judgments of the use of the funds is clearly stated: ''The effectiveness of the proposed use in addressing that risk.''

In the few cases where sadly, infuriatingly, Homeland Security grant money has been spent on things that don't seem at all to be related to homeland security, in the language under S. 4, we are going to stop that from happening and guarantee that this money is spent in a way that will increase the American people's sense of security from terrorists and natural disasters.

I believe these four programs together, if enacted and properly funded, will make our country much safer. They will provide the men and women on the front lines here at home with the essential tools they need to protect the American people and save lives. They will make sure that funds targeted for building terrorism-specific capability go out overwhelmingly to those states and urban areas that our intelligence and our common sense tells us are most at risk from terrorist attack. But they will also provide funds that are adequate in the post-9/11, post-Katrina world, to make sure that all states can prepare for and be ready to respond to disasters.

This is going to be an important debate. I look forward to participating in it.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 336 TO AMENDMENT NO. 275

Mr. SCHUMER. Mr. President, I rise to offer two amendments to the 9/11 Commission recommendations bill. After I have an opportunity to address these amendments, I ask they be set aside so we may proceed with further proceedings on the bill.

I hope we can reach agreement, I say to my friend from Connecticut. I hope we can reach agreement on these amendments, as they are critical to making sure our homeland security dollars are spent wisely in the way that will do the most to protect our Nation.

Nearly 6 years since the tragedy of September 11, Congress finally has the opportunity to implement the recommendations of the 9/11 Commission. The 9/11 Commission has done a tremendous job providing our Nation with the tools to make our Nation safer and now is the time for Congress to act and to get it right.

I thank Senators LIEBERMAN and COLLINS for their hard work and dedication to this bill and thank my colleague from New York, Senator CLINTON, for joining me on these two important amendments.

We are here today to talk about one of the most important pieces of the 9/11 Commission's recommendations, funding the Homeland Security Grant Program, administered under the Department of Homeland Security. Unfortunately, DHS has not always approached the allocation of vital homeland security dollars the way the 9/11 Commission intended. The 9/11 Commission intended that homeland security funds, including the high-threat Urban Area Security Initiative, UASI, and the State Homeland Security Grant Program, SHSGP, be allocated based on risk. In fiscal year 2006, the most high-risk and high-threat cities in the Nation, New York City and Washington DC, two cities which suffered tremendously from the horror of the 9/11 terrorist attacks, received a 40-percent cut in high-threat UASI funding from DHS. Using a peer review process, DHS made funding decisions based on including popcorn factories and petting zoos, while cities such as New York were forced to cut key security initiatives such as staff patrols on the Brooklyn Bridge and NYPD inspection of backpacks within the New York City subway system.

DHS relied on an untested system of peer review in 2006 to allocate high-threat security funding, and it failed miserably. A 40-percent cut in high-threat funds for our highest risk cities is unacceptable and exactly the opposite of what the 9/11 Commission recommended. Despite the firestorm of criticism that the Homeland Security Department faced for its UASI allocation of funding in 2006, DHS decided once again to use the peer review process when allocating high-threat funding in 2007. That makes one doubt the thinking that is going on in DHS, not only on this issue.

So I ask amendment No. 336 be called up.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself and Mrs. CLINTON, proposes an amendment numbered 336 to amendment No. 275.

Mr. SCHUMER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of the peer review process in determining the allocation of funds among metropolitan areas applying for grants under the Urban Area Security Initiative)

On page 64, between lines 2 and 3, insert the following:

''(e) PROHIBITION OF PEER REVIEW PROCESS.—The peer review process may not be used in determining the allocation of funds among metropolitan areas applying for grants under this section.

Mr. SCHUMER. This amendment will bar DHS from using the peer review process when making allocations for high-threat UASI funding. Our most targeted cities should not be subject to the arbitrary whims of an untested bureaucratic process that clearly does not have the best interests of our high-risk cities as its No. 1 priority.

DHS was wrong about the effectiveness of the peer review process, and it has also been off the mark on the amount of homeland security funds that can be used to cover personnel and overtime.

This bill makes clear that different cities under very different levels of risk have very different security needs. We should not be punishing cities such as New York that must rely on personnel to make our cities safer.

One example is our bridges because they have been targeted. The Brooklyn Bridge near my home, which I take back and forth all the time, has two police officers at each end 24 hours a day, 7 days a week. That is 20 police officers. If one looks at policeman hours, four times five, five shifts is what it takes to cover 24/7. That kind of funding is essential to the safety of New York, yet it is limited by the process. Our amendment would change that.

AMENDMENT NO. 337 TO AMENDMENT NO. 275

I ask unanimous consent that my amendment be set aside so that I may call up amendment No. 337.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes amendment numbered 337 to amendment No. 275.

Mr. SCHUMER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the use of funds in any grant under the Homeland Security Grant Program for personnel costs, and for other purposes)

On page 59, between lines 9 and 10, insert the following:

''(f) USE OF GRANT FUNDS FOR PERSONNEL COSTS.—The Secretary may not provide for any limitation on the percentage or amount of any grant awarded under the Homeland Security Grant Program which may be used for personnel costs, including overtime or backfill costs.

On page 86, strike lines 6 through 20.

Mr. SCHUMER. This amendment also addresses a critical shortfall in previous allocations for homeland security funding: the payment of overtime for first responders such as police officers. High-threat cities such as New York can't rely on equipment and technology alone to get the job done. New York City, with its vast population and national landmarks, needs trained, expert personnel guarding its tunnels, bridges, and landmarks to keep New Yorkers and the huge amount of visitors it has every year safe.

Having trained security personnel available at all times to protect our citizens is not an issue unique to New York City. In this difficult budget climate, cities across the country are faced with hard choices when it comes to keeping our citizens safe from terrorists. The Department of Homeland Security should allow our cities and States the ability to fund the activities necessary to protect our citizens.

The potential for terror is not limited to 8-to-5 shifts. We need to give our cities and States the resources they need to do their job. If they should choose to use overtime in funding in their UASI allocation, they should be allowed to do it.

AMENDMENT NO. 335

I also would like to take a moment to talk about Senator FEINSTEIN's amendment that I am cosponsoring along with several of my colleagues. The Feinstein amendment will lower the minimum grant for the State Homeland Security Grant Program to .25, lower than the .45 proposed in the Senate version of the bill. The amendment will also lower the minimum for interoperable communications to .25, down from .75 in the bill. While I appreciate the committee raising the amount of funding for SHSGP funds to $913 million, well above the amount included in the President's 2008 budget, the formula minimums included in the Senate bill provided less funding for New York.

New York is not alone. Other States, such as California and Texas, will also face cuts in funding unless we lower the minimum in the Senate bill. We can't allow our larger cities and most vulnerable targets to be left relatively unprepared for a major attack relative to other cities because they are not given the Federal resources they deserve.

Some in the Senate will make the argument that States across the country have needs that must be addressed, and we need to be prepared in all communities. While I understand their concern, the Senate has recognized that need by authorizing the emergency management performance grants in the same amount as the SHSGP grants and by providing EMPG grants with a .75 minimum to address all-hazard needs across the country.

In addition to EMPG grants, the Senate has also provided a minimum amount of funding for interoperability communications grants, something the city of New York has spent millions on since 9/11 so the rest of the country might implement this valuable technology.

Now is the time for the Senate to do the right thing. While I applaud the overall work of Senators LIEBERMAN and COLLINS on this important bill, one area we have strayed is in the area of grant funding. I know they come from smaller States. Obviously, they are defending their States. But if we are allocating money on the basis of need, on the basis of where the greatest threat of terrorism is, the funding formula here does not really do the job.

The 9/11 Commission, for instance, neither from a smaller State or bigger State perspective and looking at things objectively, recommends that funding be allocated on risk alone. The minimums allocated in this bill do not do that. One need look only as far as the tragedy of 9/11 to answer the question of why funding for the most targeted cities is the most important.

I urge my colleagues to support the Feinstein amendment. We have the opportunity to fix the past mistakes at DHS and ensure that the appropriate amount of funding is distributed in a way that will benefit all and ensure that highest risk areas are adequately protected. Now is that time.

I look forward to working with the committee on these important amendments to the way the bill addresses the grant program. I know the committee shares my commitment to ensuring our first responders and all critical homeland security needs have the funding needed to protect our citizens. The committee has done important work to authorize for the first time funding for the grant programs. I look forward to working with Senators LIEBERMAN and COLLINS on this issue.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Pennsylvania is recognized.

Mr. CASEY. Mr. President, I rise in support of the Feinstein-Cornyn amendment. I am proud to serve as a cosponsor. As my colleagues know, we have spent the past week debating legislation to once and for all fully implement the recommendations of the bipartisan 9/11 Commission delivered in July 2004. This bill before us, along with its counterpart already passed in the House, would largely do just that by making it more difficult for terrorists to gain access into our country by enhancing information sharing in our intelligence community and homeland security apparatus so that we can truly connect the dots in future plots against our Nation, and by providing genuine

incentives to the private sector to do their part in order to strengthen their preparedness to prevent and respond to acts of terrorism.

The bill would also provide much needed funding to enhance the security of our rail and transit systems, including Amtrak's northeast corridor, a rail system that carries tens of thousands of passengers every day along the east coast, including my home State of Pennsylvania, and which remains unacceptably vulnerable to terrorist attack.

However, we must be honest. The bill does not fully implement every recommendation of the 9/11 Commission. Chapter 12 in the Commission's final report addresses the difficult challenge of allocating limited funds across the Nation to address an array of homeland security vulnerabilities and gaps. The report recognizes that we as a nation cannot protect every vulnerable port, every vulnerable icon, and every vulnerable spot where Americans congregate every day. A universal approach would turn our Nation into an armed fortress, too restrictive of the liberties we cherish and love as Americans. That would be a victory for the terrorists.

Let me quote directly from the bipartisan Commission report which lays out in plain and clear language why it is so important that we allocate homeland security dollars on the basis of risk:

> Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities. Now, in 2004, Washington, D.C., and New York are certainly at the top of any such list. We understand the contention that every state and city needs to have some minimum infrastructure for emergency response. But federal homeland security assistance should not remain a program for general revenue sharing. It should supplement state and local resources based on the risks and vulnerabilities that merit additional support. Congress should not use this money as a pork barrel.

So says the 9/11 Commission Report. The Commission calls for a strict prioritization of national needs based upon a strict risk-based assessment. Those potential targets that are most attractive to terrorist groups, that contain the most deep-seated vulnerabilities to an attack, and that, if successfully attacked, would produce the most drastic consequences in terms of lives lost, people injured, and economic damage should be given priority in terms of allocating our limited homeland security dollars.

This definition of risk, which successfully incorporates the three variables of threat, vulnerability, and consequence, has been recommended by countless academic experts and is now incorporated into the Department of Homeland Security's framework for assessing how to rank various targets in our Nation in terms of their likelihood for a future attack. Unfortunately, the Congress has not kept pace with the recommendation of the 9/11 Commission, and the bill before us this week still does not get it right, even though it purports to fully implement the recommendations of the 9/11 Commission.

This bill, while superb in almost every other respect, would still retain the misguided approach first established by the PATRIOT Act that would mandate that each State receive a minimum of .75 percent of overall funding for most of the homeland security grant programs, including the State Homeland Security Grant Program, the Law Enforcement Terrorist Prevention Program, and the Citizen Corps Program. In other words, 38 percent of the funding dollars for our major homeland security grant initiatives is allocated on an arbitrary basis, wholly unrelated to risk. Thirty-eight percent of these funding dollars is distributed in such a fashion that every State receives the exact same share, with equal dollars flowing to large States such as Pennsylvania and New York, as well as much smaller States.

This makes no sense. Every State is not equally at risk from the threat of terrorism and is thus eligible for equal dollar amounts. I recognize that the remaining 62 percent of funds under these homeland security grants are now based on risk, but it is wrong and harmful to deny almost half of all funds to those areas that are at greatest risk.

That is why I am so pleased to cosponsor the Feinstein amendment which would reduce those per-State minimums from .75 percent of overall grant funding to .25 percent. In other words, instead of 62 percent of funding allocated on the basis of risk, 87 percent of all grant funds would be allocated on a risk basis.

Is that a perfect solution? No, it is not. In a perfect world, 100 percent of funds in every homeland security program would be allocated on the basis of risk, and State-by-State minimums would become a historic relic. But I understand political realities, and I recognize this amendment by itself will face a real challenge in achieving passage. The Feinstein-Cornyn amendment, by replicating a provision in the 9/11 bill that passed the House in January, nevertheless would significantly improve the quality of our homeland security funding by requiring a greater share of it be allocated on the basis of risk.

This issue is often unfairly characterized as a large State versus small State battle. Those States with large populations would supposedly automatically benefit under any funding formula that is based to a greater degree on risk while small States would lose or so the argument goes. That would be true only if we use population levels as a proxy for risk, which this amendment does not do.

Instead, the Feinstein amendment defines risk as a function of threat, vulnerability, and consequence. So a small State with several targets that are uniquely at risk due to a combination of these three variables would profit from this amendment just as a State as large as New York or New Jersey or Pennsylvania.

This amendment, to the greatest extent possible, takes individual States out of the formula. It focuses on where and what our Nation's targets of terrorism are and where the greatest risks lie and focuses our homeland security dollars on those targets. Those who hail from small States should not reflexively oppose this amendment. The fact remains, their States can benefit—small States can benefit—from greater funding under this new formula.

Will there be losers under this new formula? Sure. Of course. Those States with a minimum level of potential targets at great risk would receive potentially less funding. But I am confident the people of those States will recognize the enormity of the stakes involved: how to best protect our Nation in a long struggle against terrorism. I have faith the American people will put aside parochial concerns in favor of those strategies that protect all of us.

I hail from a State that sits at the higher end of the range of vulnerability to attacks of terrorism. Under the Urban Areas Security Initiative, or UASI, two urban regions in Pennsylvania have been consistently designated as high risk in this program since its inception in fiscal year 2003: Philadelphia and Pittsburgh.

Philadelphia is home to such historic sites as Independence Hall and the Liberty Bell. It is also a major hub for Amtrak's Northeast corridor, a vital transportation artery that links Washington to Boston and points further beyond. We have seen what the terrorists have done in Madrid and London and other places. If they seek to export their tactics to our Nation, the Northeast corridor, including Philadelphia's 30th Street Station, would be a prime target.

Also, the city of Pittsburgh includes world-class universities, major sports stadiums, and other icons of national significance.

There is a reason why both cities have been included in the 15 most at-risk urban regions in the United States and are eligible for grants under the UASI program. The UASI program is the only homeland security program that operates fully—fully—on the basis of risk. For that reason, it is the most effective program, as it allocates dollars without regard to State by State minimums or political guidelines.

Future terrorist acts endanger the people of Pennsylvania, and I will continue to stand up for them to assure our homeland security programs are appropriately focused on the threats where they are. I understand no State or its representative Members want to lose out on additional Federal dollars. But I would once again quote from the 9/11 Commission report which has served as the inspiration behind our entire debate on this important bill. In concluding that risk-based funding is the only way for our Nation to apportion homeland security dollars, the Commission declared that:

In a free-for-all over money, it is understandable that representatives will work to protect the interests of their home states or districts. But this issue is too important for politics as usual to prevail.

''Too important for politics as usual to prevail.'' After the horrors of 9/11, we cannot ignore the significance of that call to duty.

I strongly urge my colleagues to vote in support of the Feinstein-Cornyn amendment so we can ensure our precious homeland security resources are allocated in a fair and efficient manner.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The junior Senator from New Jersey.

Mr. MENENDEZ. Madam President, I rise in strong support of the Feinstein-Cornyn amendment. I am proud to be a cosponsor of this effort. This amendment would enact one of the key recommendations of the 9/11 Commission that has gone ignored time and time again by the Congress, and that is ensuring homeland security funding is based on risk.

We have heard a lot during the course of the debate on this bill. Often we have had references to the 9/11 Commission when it was propitious, when it served to support the argument someone was making at a given time. Then, at other times, it has been forgotten. I have been one of those who believes we should have all of the 9/11 recommendations implemented. So I do not pick and choose.

I am certainly tonight wanting to make sure we recognize as a body what the Commission said. It was not ambivalent. The Commission was not ambivalent about its recommendation. The Commission said, in its report, very clearly:

Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities.

'' . . . strictly on an assessment of risks and vulnerabilities.'' ''Strictly''—not mostly, not partially, but based strictly on the risks our States and communities face. Yet, 2½ years after the release of the 9/11 Commission report, homeland security funding continues to be based on a formula that allocates nearly 40 percent of funding with no regard—no regard—to risk or vulnerability.

What else did the Commission say:

We understand the contention that every State and city needs to have some minimum infrastructure for emergency response. But Federal homeland security assistance should not remain a program for general revenue sharing. It should supplement State and local resources based on the risks or vulnerabilities that merit additional support.

Congress should not use this money as pork barrel.

It is past time to correct these flawed formulas.

I know many believe that, in fact, everyone should have some of these moneys. Actually, this amendment does that. This amendment recognizes that. It does not encompass the full essence of the Commission's report. It recognizes that. So, ultimately, I would say to our friends, notwithstanding that, there are times when we have legislation on this floor that benefits some States greater than others, but we look at it as we are from one country. There are times in which there is a lot more money for flood protection, and those of us who do not receive that type of money say: We understand that. That is the nature of the challenges of those fellow States in our Nation. In the agriculture bill there will be a lot of money going to other States that certainly will not be coming to States such as New Jersey, but we understand that. We are one nation.

Today, I hope the Members of the Senate will come to understand in this issue, as well, we are one nation and the greatest risks—the greatest risks—flow to those who have the greatest challenges. If we had unlimited money, I would be the first to say we could use it all as part of revenue sharing to make sure the allocation for each State would be such that they could decide to use it to meet their homeland security objectives. But we do not. If there is one part of all of the largess of the Federal Government that I think has to be based on the question of necessity, has to be based on the question of risk, it clearly is in homeland security funding.

Now, I believe, as do many of my colleagues who support this amendment, we should follow the recommendation of the 9/11 Commission in its entirety and base 100 percent of the homeland security funding on risk. But this amendment recognizes the need to compromise. We recognize every State should be prepared for and be able to respond to terrorism. Under this amendment, each State would receive a base amount. The difference is, we ensure the vast majority of the funds will be based on risk. In fact, under this amendment, 99 percent of all of the funds would be allocated based on risk.

Senators LIEBERMAN and COLLINS clearly recognize we should be basing funding more on risk. In this bill they have clearly worked to reduce the base amount for States, moving us toward a more risk-based approach. I sincerely appreciate their efforts to make more funding allocated on risk, and I certainly commend them for taking a very important step forward in the right direction. But that formula is still a detriment to States facing the most risk.

Under the bill's language, money would be diverted from States with the highest risk to States that do not even have enough risk to receive the minimum base amount. What does that mean? It means after the calculation is done, there will be some States with a risk equation that will not rise to the level of receiving even the minimum base amount. Yet, under the bill, even though their risk calculation is not as great, they will receive the minimum base amount. This would cause States such as New Jersey to lose a full 6 percent of the funding they should receive based on risk. That means under the formula in this bill, New Jersey could lose three-quarters of a million dollars because that money would be redistributed to States with relatively low risk.

Like many other States represented by the supporters of this amendment, New Jersey has a wide range of targets. More than a dozen sites in the State are on the FBI's National Critical Infrastructure List. The 2-mile stretch between Port Newark, Port Elizabeth and Newark International Airport has been deemed the ''most dangerous two miles in the United States when it comes to terrorism.'' The port of New York and New Jersey, which largely resides in New Jersey, is the largest container port on the east coast, the third largest in the country.

Not only does our State face significant threats because of its critical infrastructure, but some of the most densely populated communities are in close proximity to these targets. In South Kearny, for instance, 12 million people live in close proximity to a chlorine chemical plant. Close to 19 million people live in the New Jersey-New York metro area who could be affected by an attack on such a plant. The loss of life due to an attack at one of New Jersey's most vulnerable targets would not only devastate New Jersey but the region and the Nation.

We have to be realistic about where the greatest threats lie. Our Nation has many targets. No one would argue we should not aim to protect each of them. But we cannot pretend every community in the country faces the same risks and the same threats of terrorist attack. The fact is, terrorists want to strike where they can inflict the greatest damage. That is why our major urban areas are consistently at the top of the threat list.

We cannot afford to shortchange our most at-risk targets because of revenue sharing. Each State should receive its fair share based on its risks—no more, no less. That is what this amendment is all about. Ultimately, I see our colleagues, who are the prime sponsors of this amendment, put out a statement that 70 percent of the States receive additional funding under this risk-based approach—70 percent of the States. So we, in fact, move closer and closer to the right policy determination that the 9/11 Commission called for, unequivocally, and, at the same time, by doing the right thing, 70 percent of the States get more money.

The 9/11 Commission has repeatedly called on Congress to implement this key provision, and it has urged Congress not to make homeland security funds into pork barrel. The 9/11 families pleaded with this body to end the senseless formulas that leave our most at-risk targets vulnerable. Countless homeland security experts have called to end the minimum amounts to States and move to a true risk-based system.

I hope my colleagues this one time will put aside their adherence to a formula that is not in the security interests of our nation as a whole—as a whole—and will now allocate funding in a way that will protect not just my State or other States similarly situated but will truly work to protect the Nation as a whole.

When we had those attacks on that fateful day on September 11, yes, most of the lives lost were from New York and New Jersey, as well as other States, but the consequences to the Nation were much greater—much greater.

So I hope again, where the greatest threats lie, where the greatest risks lie, where we have seen time after time where the terrorists have chosen to try to focus their attacks, we understand this is one element of our domestic policy where we cannot afford simply to have revenue sharing. I have taken agricultural votes on behalf of our friends, understanding that a lot of that money is not coming to New Jersey. I have done the same thing with flood protection and done it on so many other issues because we are one Nation. This is one in which we are under one Nation as well, and it is one in which risk has to drive our funding. I hope that when 70 percent of other States receive additional support under this amendment, we will find a majority vote on its behalf and move us pretty close to what the 9/11 Commission called for.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Madam President, I first wish to say that my colleague delivered a message that was clear and specific. It was a very valuable reminder of what we are discussing today, including his commentary about the fact that we are as a nation looking at the problem we see in front of us now.

On September 11, 2001, 700 of our fellow New Jerseyans never came home. One of my daughter's closest friends with whom she worked on Wall Street perished, and her husband searched for more than 2 weeks. After the obvious was apparent—that she was gone—refusing to believe it, he went from hospital to hospital, wherever one was within any reasonable distance, hoping against hope that maybe his wife would be alive and the mother of his three children would be there to encourage them on in their lives.

The stories about all kinds of friends and all kinds of neighbors are endless. In the area we are talking about in New Jersey that was directly hit, who didn't know someone or who didn't know someone who knew someone—even though we are a densely populated State, still, in all, the names touched so many lives and so many people. We saw the smoke rise and debris fall on that fateful day. It was just across the river from us and from where I live and I think close to where my colleague lives. When one looks at the skyline of New York now, there is an empty space where these proud buildings stood. I was a commissioner for the Port Authority of New York and New Jersey and thusly had offices in the Trade Center building. I remember seeing people come to work in the morning, over 50,000 people in just a few buildings—more than the population of many cities in our country. It was devastating.

We shouldn't forget that attack brought aviation to a standstill, that it had an effect felt way beyond New York and New Jersey and highlighted the fact that you can't just take areas, important areas around the country, and say: Well, that is kind of a local situation. It is not true. It is not true. As Senator MENENDEZ pointed out, when it comes to other needs of other States, it has to be understood that when they are in peril, they are entitled to get as much help from the Federal Government as they can.

So why are we protesting at this time? This discussion has taken place over the last couple of years. Now we are seeing another attempt to reduce the maximum amount of funding available to those places which are most at risk.

I support most of the legislation before us now. I am concerned with the one part of this bill that does not follow the 9/11 Commission recommendations, the one that is being reviewed right now. Recommendation 25 of the 9/11 Commission Report said that homeland security grants should be distributed based solely on risk. This bill doesn't go sufficiently far enough to a full risk-based approach. Secretary Chertoff, whom we have seen here at many hearings, confirmed that. We looked at what he said. He said we should look not at the question of political jurisdiction but at where the consequences would be catastrophic, where the vulnerabilities would be, where the threats are. Clear statements. Despite that, this legislation directs the Department of Homeland Security to give a minimum amount of money to every State regardless of the risks or threats it faces.

When I served on the Homeland Security Committee—and I commend the former chairman and the current chairman for a lot of the work that was done there—we had a disagreement, and I tried in a committee hearing to move the committee at least to endorse the fact that these funds should be distributed solely on a risk basis. I was the only one who voted aye for it out of I think 16 people in attendance.

So at some point, I don't know why the call doesn't go out that says: Look, do this on a sensible basis. Do this on an as-needed basis. Give the opportunity to the places most at risk to protect themselves. It is more than good policy; it just makes common sense. Our military doesn't move troops evenly around the globe. You place your resources strategically. Why should homeland security be different? If you want to protect the most people in our country from risk, why not do that? We do that constantly in all kinds of projects, whether they be flood projects or otherwise in places that are prone to natural disasters. It makes sense that we spend more on homeland security in America's at-risk areas.

Senator FEINSTEIN and Senator CORNYN and I and others have an amendment to give at-risk States the money they need to protect their residents and their communities and sensitive places where an attack could severely damage the national viability.

We have seen something recently that highlights the situation in New Jersey where chlorine is manufactured and stored in large quantities, and we learned from the change in the tactics now in Iraq that chlorine is being used as a brandnew weapon there. The use of chlorine was devastating. It killed a few people but made many more deathly ill, requiring hospitalization and severe treatment to try to protect their lives.

We are talking about the most dangerous 2 miles in the country as certified by the FBI. Why not take advantage of the fact that we would be protecting not only the well-being of people in the surrounding area, but we would protect the functioning of our society. So we ought to move closer to the 9/11 Commission's recommendation that homeland security be distributed on risk and threat and cut the minimum amount of money that will be distributed to each State.

Secondly, it will result in more homeland security for 35 States that are more at risk. We are not just talking about New Jersey and New York; they are most prominent because we felt it and we have lost friends and neighbors as a result of that attack. But that was not the first time. It was the second time the World Trade Center was attacked. How many times must it happen before somebody who is leaning on one side or the other says: You know what, we don't want those people to be harmed further or that area to be damaged further. And the invitation is certainly there to do just that.

We must consider the large States such as Ohio. If something happens in some of the Western States, the way the winds blow in our country, they will deliver toxic emissions all the way across the country—Georgia, for instance, and Nevada, Maryland, and Massachusetts. The array is impressive because it deals primarily with the largest population centers in the country and the money that could be brought to protect these centers should not just be dealt out on a traditional pork-like basis. We still haven't reached 100 percent risk-based funding. This amendment, however, is an improvement over current law, an improvement over the bill before us today.

I would like to be able to report to the 9/11 Commission that we as a Senate did more than simply debate the

Commission's findings. We ought to be able to tell them we voted to give more resources to the people, cities, and States that need more protection. They worked very hard to hammer out the Commission report, and I believe it is fair to say that the Feinstein-Cornyn-Lautenberg amendment will do just that. I encourage my colleagues to support it.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

AMENDMENT NO. 342 TO AMENDMENT NO. 275

Ms. COLLINS. Madam President, I ask unanimous consent that the pending amendment be set aside, and I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself, Mr. STEVENS, Mr. VOINOVICH, and Mr. WARNER, proposes an amendment numbered 342 to amendment No. 275.

Ms. COLLINS. 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:

AMENDMENT NO. 342

(Purpose: To provide certain employment rights and an employee engagement mechanism for passenger and property screeners, and for other purposes)

Strike section 803 (relating to Transportation Security Administration personnel management) and insert the following:

SEC. 803. EMPLOYEE RIGHTS AND ENGAGEMENT MECHANISM FOR PASSENGER AND PROPERTY SCREENERS.

(a) APPEAL RIGHTS; ENGAGEMENT MECHANISM FOR WORKPLACE ISSUES; PAY FOR PERFORMANCE; UNION MEMBERSHIP.—

(1) IN GENERAL.—Section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note) is amended—

(A) by striking ''Notwithstanding'' and inserting the following:

''(1) IN GENERAL.—Except as provided in section 883 of the Homeland Security Act of 2002 (6 U.S.C. 463) and paragraphs (2) through (5), notwithstanding''; and

(B) by adding at the end the following:

''(2) RIGHT TO APPEAL ADVERSE ACTION.—An individual employed or appointed to carry out the screening functions of the Administrator under section 44901 of title 49, United States Code, may submit an appeal of an adverse action covered by section 7512 of title 5, United States Code, and finalized after the date of the enactment of Improving America's Security Act of 2007, to the Merit Systems Protection Board and may seek judicial review of any resulting orders or decisions of the Merit Systems Protection Board.

''(3) EMPLOYEE ENGAGEMENT MECHANISM FOR ADDRESSING WORKPLACE ISSUES.—At every airport at which the Transportation Security Administration screens passengers and property under section 44901 of title 49, United States Code, the Administrator shall provide a collaborative, integrated employee engagement mechanism to address workplace issues.

''(4) PAY FOR PERFORMANCE.—The Administrator shall establish a system to ensure that an individual described in paragraph (2) is compensated at a level that reflects the performance of such individual rather than the seniority of such individual.

''(5) CONSTRUCTION.—Nothing in this section shall be construed to prohibit an individual described in paragraph (2) from joining a labor organization.''.

(2) CONFORMING AMENDMENTS.—Section 111(d)(1) of such Act, as redesignated by paragraph (1)(A), is amended—

(A) by striking ''Under Secretary of Transportation for Security'' and inserting ''Administrator of the Transportation Security Administration''; and

(B) by striking ''Under Secretary'' each place it appears and inserting ''Administrator''.

(b) WHISTLEBLOWER PROTECTIONS.—Section 883 of the Homeland Security Act of 2002 (6 U.S.C. 463) is amended, in the matter preceding paragraph (1), by inserting '', or section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note),'' after ''this Act''.

(c) REPORTS.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Transportation Security Administration and the Comptroller General of the United States shall each submit an independent report to Congress that contains an assessment of employment matters at the Transportation Security Administration, including the implementation of this section.

Ms. COLLINS. Madam President, because I know the Senator from South Carolina is waiting to speak, I will not go into any detail about this amendment, but I did want to file it so that my colleagues have a chance to look it over, overnight.

This amendment is an attempt to reach a middle ground on the issue of rights for TSA employees. It provides that TSA employees may join a union; may have a pay-for-performance system; will have the right to appeal to the Merit Systems Protection Board any adverse employment actions, such as demotions or firings, so they would have the same rights in that regard as other Federal employees; and it would give them explicit protections under the Whistleblowers Protection Act. It also calls for a review in 1 year's time of the personnel system to see if further changes are needed, and it asks GAG to evaluate the system.

This amendment is cosponsored by Senator STEVENS, Senator VOINOVICH, and Senator WARNER at this point.

Again, this is an attempt to find a middle ground on the TSA issue. The TSA employees do a terrific job working very hard to protect us. I believe the current law does not afford them the kind of workplace protections they deserve. Yet we want to preserve the flexibility of the TSA to be able to move people, to deploy them, to respond to imminent threats, new intelligence, or any sort of emergency situation. I believe this amendment would achieve that goal.

I will be talking about the amendment in more depth tomorrow.

Madam President, I yield the floor, and I ask that the Senator from South Carolina be recognized.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from South Carolina is recognized.

AMENDMENT NO. 316

Mr. DEMINT. Madam President, I know Senator COLLINS wants to put security first in this bill, and I am looking forward to seeing her compromise amendment, but I am standing today to speak on the ongoing efforts by my Democratic colleagues to force the Transportation Security Administration—these are the folks who guard our airports today—to collectively bargain with labor unions on the decisions they make.

The Senator from Missouri, Senator MCCASKILL, is offering an amendment that I consider very dangerous. I wish to make sure my colleagues understand all that is at stake.

First, this debate is about one thing and one thing only: whether Congress believes that our airport security agency—what we refer to as TSA—should have to negotiate with unions before it can carry out decisions that will save American lives. That is what this debate is about. The McCaskill amendment will change current law to force our airport security agency to negotiate with unions. The DeMint amendment will protect current law, which makes security TSA's top priority.

The security implications of this policy are becoming clear, and that is why there is an effort by my Democratic colleagues to cloud the issue. Rather than admitting that collective bargaining is a labor union initiative, not a 9/11 Commission recommendation, my Democratic colleagues are now trying to paint it as proworker and prosecurity. This is extremely disappointing because the truth is that the McCaskill amendment is prounion and it weakens security.

When you boil it down, the McCaskill amendment will force airport security workers or the airport security agency, TSA, to bargain with labor unions before they make security decisions. Let me say that again. The Transportation Security Agency will have to bargain with labor unions before they make security decisions.

This is an earmark for big labor that comes at the expense of homeland security. I wish to go through the arguments offered by the other side and make sure everybody understands why they are misguided.

First, my colleagues say their collective bargaining amendment will prevent TSA screeners from going on strike and bargaining for higher pay. But the truth is that screeners could not strike anyway because the law prohibits Federal employees from striking. In addition, prohibiting bargaining for pay is also meaningless, since the Department of Homeland Security pay system does not allow bargaining now. So on this point, the other side is simply trying to cloud the issue and mask their union earmark with meaningless rhetoric.

Second, my colleagues say their collective bargaining amendment will create new workforce protections for security screeners. But the truth is, these

benefits already exist. Workers already have whistleblower protection through a memorandum of understanding with the Office of Special Counsel. Workers already have protection against discrimination through the alternative resolution of conflict program. Workers already have due process protections against disciplinary actions that are more efficient than the protections offered to other Federal employees.

Madam President, again, we are talking about the collective bargaining amendment. I was pointing out the protections that current TSA workers have. They have whistleblower protection, protection against discrimination, and they already have due process protections against disciplinary action that is more efficient than the protections offered by Federal workers.

Security screeners already have the right to appeal adverse actions to TSA's Disciplinary Review Board, which provides due process equivalent to that available to other Federal employees.

Workers already enjoy access to the Rehabilitation Act, except where Congress has specified that security job functions require certain aptitudes and physical abilities.

So all of these proworker provisions are redundant and meaningless in any amendment to current law. They are only being offered to mask the true goal of the amendment, which is to force TSA to bargain with unions on their security decisions.

The other side also likes to say there are high attrition rates at TSA and that collective bargaining would stabilize the workforce. I am afraid this is also false. Before 9/11, when airport security was under collective bargaining, attrition rates were as high as 400 percent at some airports. Now the voluntary attrition rate for full-time employees is down to 12.6 percent, and it is falling. This is not only significantly lower than pre-9/11 levels, but it is also lower than the attrition rates for the private sector as a whole and lower than the Federal Government as a whole. So my colleagues must understand that these are good jobs, attrition is low and falling, and attrition is not a valid reason to create collective bargaining.

It is also important that my colleagues understand how the collective bargaining amendment will weaken our homeland security, which is the priority of the 9/11 Commission bill.

First, the amendment creates a security trigger that will allow TSA to turn collective bargain on and off. This acknowledges that collective bargaining weakens security. I wish to repeat so my colleagues understand my Democratic colleagues agree that collective bargaining reduces security, and they feel obligated to offer a way to bypass it.

But this so-called trigger for emergencies only makes the problem of collective bargaining worse. The language defining emergencies and newly imminent threats is so vague it will take an army of lawyers to determine whether each circumstance meets the definition. This will hurt our security and force TSA to be reactive and slow in its efforts to prevent future attacks.

If my colleagues need proof that there will be wide disagreement as to when the security trigger can be used, they only need to hear the comments made by the sponsor of this amendment. When I asked if the current ongoing global war on terror would be considered an emergency under the amendment, the Senator from Missouri said it would not. If TSA cannot use the war on terror as a reason to protect Americans from al-Qaida and other terrorists on a daily basis, under what circumstance can it use this flexibility?

This underscores the issue that lies at the heart of this debate. On one side, there are those who believe we should always be on alert and that we must treat every person and every bag going through our airports as a potential threat. On the other side, there are those who believe we are not under constant threat and we can simply turn on and off our ability to prevent future attacks. That is the real disagreement because we all seem to agree collective bargaining weakens security.

In addition to allowing our security to be switched on and off by unions, the McCaskill amendment creates all the same problems as full-blown collective bargaining.

First, it still forces TSA to sign huge collective bargaining contracts, such as Customs and Border Patrol have now, and it could mean hundreds of separate contracts at airports across the country. Instead of streamlining security, it will create complex guidelines that make it harder to share and shift resources between airports as threats emerge.

Second, it still forces TSA to set up a huge new bureaucracy for collective bargaining, putting new layers of red-tape ahead of security and redirecting resources away from security and toward labor management. This new bureaucracy will cost TSA at least $160 million over the next year, forcing it to take 3,500 screeners off security checkpoints and doubling the wait time for passengers.

Third, it still forces TSA to terminate its pay-for-performance system that currently rewards screeners for their proficiency rather than their seniority. This will only reduce TSA's ability to maintain a qualified workforce.

Fourth, it still forces TSA to share sensitive security information with unions, compromising air travel security. The amendment claims to protect ''properly classified'' information, but it doesn't address other types of sensitive information, such as the emergency plans for our airports.

This brings me back to my original point. This debate is about collective bargaining and whether it makes us more or less secure. All the talk about worker benefits and workplace protections and security triggers is meant to cloud the issue and prevent Senators from being accountable for their votes. This collective bargaining proposal has nothing to do with preventing another 9/11. In fact, it could increase the chance of another such attack, and my colleagues should consider that before they vote.

There are only two reasons to vote for the McCaskill amendment: either political payback or out of political fear. I hope my colleagues will not act on either. Democrats should not pay back unions at the expense of our security, and we should not be afraid to stand up against union bosses so we can keep America safe.

I urge my colleagues to oppose the McCaskill amendment.

It will not only weaken our security, it will also kill this bill. The President will veto it and the Senate will sustain his veto. So that leaves the other side of the aisle with a clear choice. They can either have a political showdown with the President over an earmark for labor unions or they can take this provision out of the bill and make some progress on our security agenda.

The DeMint amendment protects American security. The McCaskill amendment protects unions.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent that the Senate proceed to executive session to consider the nomination of Carl Joseph Artman to be Assistant Secretary of the Interior; that there be 10 minutes for debate, equally divided between the chairman and ranking member of the Indian Affairs Committee; that at the conclusion of that time, the Senate vote on confirmation of the nomination; that the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF CARL JOSEPH ARTMAN TO BE ASSISTANT SECRETARY OF THE INTERIOR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Carl Joseph Artman, of Colorado, to be Assistant Secretary of the Interior.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, I am pleased to speak on this nomination with my colleague from Wyoming, Senator THOMAS. I chair the Indian Affairs Committee. Senator THOMAS is vice chair of that committee.

This is the nomination of Carl Artman to be Assistant Secretary for Indian Affairs. Mr. Artman is an American Indian from the Oneida Tribe of Wisconsin. He is highly qualified. He was nominated twice—once last year by President Bush. Last year, I supported his nomination, which was held up in the Senate. He has been nominated recently again by the President. I held an immediate hearing with Senator THOMAS on his nomination. We passed it out of the committee the same day, and we have been waiting to get it to the floor.

There has been a hold on the nomination, regrettably. With some irritation, I say it has been 2 full years last month that this position has been vacant. The position of Assistant Secretary for Indian affairs—a position that has existed in this Government since 1806—is one that is responsible for the trust responsibilities and all of the other issues that relate to treaties with Indian tribes. It has always been considered a very important position. For 2 years it has been vacant. That is unbelievable. Nowhere in this country are there more significant and enduring problems than those that exist on many Indian reservations. Many live in Third World conditions. I have told stories of people freezing in their homes in the winter. There are housing crises that exist on Indian reservations. There are health care crises and education crises. It is unbelievable. We need to have this position filled. Finally, at long last, today we will have a chance to vote on the nomination.

I am sure there will be an overwhelming vote in support of a well-qualified candidate sent to us by President Bush first last year, then held up, unfortunately, in the Senate, and now this year, held up until now. Finally, perhaps, at long last we will do what we should have done long ago on behalf of American Indians, and that is to put someone in the position of the Assistant Secretary for Indian Affairs to be involved in managing and reacting to all of these responsibilities that have been long ignored—too long ignored, in my judgment.

I come today to support this nomination. My colleague, Senator THOMAS, will speak for himself, but we have worked together in support of trying to get this nomination to the floor of the Senate. American Indians and Native Alaskans—my colleagues know the information—have higher rates of tuberculosis, 600 percent higher than other American citizens; substance abuse, alcohol abuse, 500 percent higher; diabetes, in some cases up to 10 times the rate; Indian youth suicide, 10 times the rate of the rest of the country.

These are unbelievable circumstances. We have to begin to deal with these issues. That is what we are trying to do on the Indian Affairs Committee. But it is absolutely shameful this position has been open for 2 full years. It has been vacant 2 years. This is a well-qualified person. I have met with him a couple of times. I was proud to move his nomination through the committee. This is a well-qualified person, an American Indian from the Oneida Tribe in Wisconsin.

At long last, I hope today we will decide to give Senate approval to President Bush's nomination and give Mr. Carl Artman the opportunity to assume this role of Assistant Secretary for Indian Affairs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized

Mr. THOMAS. Madam President, I join my friend, the chairman of the Indian Affairs Committee, in supporting Carl Joseph Artman for Assistant Secretary for Indian Affairs. We have waited a good long time to get to this point.

Mr. Artman is an excellent candidate with diversity of experience in both the private and public sectors. He has the leadership and academic credentials needed for this necessary and extraordinarily demanding position.

The Assistant Secretary for Indian Affairs implements the Federal Indian policy set by Congress and facilitates the government-to-government relationship with 561 Indian tribal governments.

The Assistant Secretary, as you might imagine, is responsible for a variety of activities, including economic development, law enforcement, trust asset management, social services, and education.

I will not take a long time, but I just want to say the Assistant Secretary must be balanced in meeting these needs. I think this gentleman will be. He has pledged to facilitate a more vibrant communication between Indian tribes and their neighbors.

The job of Assistant Secretary for Indian Affairs has been exponentially more difficult because of the meth-amphetamine plague that is ravaging this Nation's Indian communities, and he is committed to fighting this terrible epidemic. We can certainly support that effort.

Madam President, you know how important it is to have leadership in this area, and we haven't had it for a very long time. There are many other challenges confronting Indian country that cannot be met without strong leadership within the Bureau of Indian Affairs, and yet the position has been vacant for 2 years.

Mr. Artman will serve the country well. I urge my colleagues to join me today in moving expeditiously toward confirmation.

I yield the floor.

Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Is all time yielded back?

Mr. LIEBERMAN. Yes, I ask that all time be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nomination of Carl Joseph Artman, of Colorado, to be an Assistant Secretary of the Interior? The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from Vermont (Mr. LEAHY), the Senator from Illinois (Mr. OBAMA), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea.''

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Wyoming (Mr. ENZI), the Senator from Arizona (Mr. MCCAIN), and the Senator from Pennsylvania (Mr. SPECTOR).

The PRESIDING OFFICER (Mr. WHITEHOUSE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 1, as follows:

[Rollcall Vote No. 59 Ex.]

YEAS—87

Akaka	Dole	McConnell
Alexander	Domenici	Menendez
Allard	Dorgan	Mikulski
Baucus	Durbin	Murkowski
Bayh	Ensign	Murray
Bennett	Feingold	Nelson (FL)
Bingaman	Feinstein	Nelson (NE)
Bond	Graham	Pryor
Boxer	Grassley	Reed
Brown	Gregg	Reid
Bunning	Hagel	Roberts
Burr	Harkin	Rockefeller
Byrd	Hatch	Salazar
Cantwell	Hutchison	Sanders
Cardin	Inhofe	Schumer
Carper	Inouye	Sessions
Casey	Isakson	Shelby
Chambliss	Klobuchar	Smith
Clinton	Kohl	Snowe
Coburn	Kyl	Stevens
Cochran	Landrieu	Sununu
Coleman	Lautenberg	Tester
Collins	Levin	Thomas
Conrad	Lieberman	Thune
Corker	Lincoln	Voinovich
Cornyn	Lott	Warner
Craig	Lugar	Webb
Crapo	Martinez	Whitehouse
DeMint	McCaskill	Wyden

NAYS—1

Vitter

NOT VOTING—12

Biden	Johnson	McCain
Brownback	Kennedy	Obama
Dodd	Kerry	Specter
Enzi	Leahy	Stabenow

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

IMPROVING AMERICA'S SECURITY ACT OF 2007—Continued

AMENDMENT NO. 328, AS MODIFIED

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that amendment No. 328 be modified, with the changes at the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

(Purpose: To require Amtrak contacts and leases involving the State of Maryland to be governed by the laws of the District of Columbia)

On page 299, between lines 2 and 3, insert the following:

SEC. 1337. APPLICABILITY OF DISTRICT OF COLUMBIA LAW TO CERTAIN AMTRAK CONTRACTS.

Section 24301 of title 49, United States Code, is amended by adding at the end the following:

''(n) APPLICABILITY OF DISTRICT OF COLUMBIA LAW.—In the case of Maryland, any lease or contract entered into by the National Railroad Passenger Corporation after the date of the enactment of this subsection shall be governed by the laws of the District of Columbia.''.

Mr. LIEBERMAN. I thank the Chair, and I yield the floor.

Mr. COBURN. Mr. President, I ask that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 325 TO AMENDMENT NO. 275

Mr. COBURN. Mr. President, I call up amendment No. 325.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 325.

Mr. COBURN. 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 ensure the fiscal integrity of grants awarded by the Department of Homeland Security)

On page 106, preceding the matter on line 7, insert the following:

SEC. 204. COMPLIANCE WITH THE IMPROPER PAYMENTS INFORMATION ACT OF 2002.

(a) DEFINITIONS.—In this section, the term—

(1) ''appropriate committees'' means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Oversight and Government Reform of the House of Representatives; and

(2) ''improper payment'' has the meaning given that term under section 2(d)(2) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(b) REQUIREMENT FOR COMPLIANCE CERTIFICATION AND REPORT.—The Secretary shall not award any grants or distribute any grant funds under any grant program under this Act or an amendment made by this Act, until the Secretary submits a report to the appropriate committees that—

(1) contains a certification that the Department has for each program and activity of the Department—

(A) performed and completed a risk assessment to determine programs and activities that are at significant risk of making improper payments; and

(B) estimated the total number of improper payments for each program and activity determined to be at significant risk of making improper payments; and

(2) describes the actions to be taken to reduce improper payments for the programs and activities determined to be at significant risk of making improper payments.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, by our estimates, this bill is about $17-plus billion. As I said, it has not been scored. The House bill that will be merged with this in conference is over $20 billion. That is a large chunk of change for the American taxpayer. What we know is a lot of the grants which make up about $3-plus billion a year over the next 5 years of the vast majority of this bill will be homeland security grants of one type or another. What we know is the Department of Homeland Security has not followed the law when it comes to improper payments.

What the Improper Payments Act of 2002 required of every agency of the Federal Government was that they perform a risk assessment of every program they have, that they develop a statistically valid estimate of improper payments, that they develop a corrective action plan, and they report the results of those activities to us.

This is not an optional plan for the agencies. Yet this plan has been ignored since its inception and since the creation of the Department of Homeland Security. We are getting ready to send another $17- to $18 billion-plus out the door for homeland security grants—that is the majority of this—and we know the Department of Homeland Security is not in compliance with the Federal law.

The reason the law exists is to make sure we get good value for the taxpayers' money. The year 2004 was the first year the agencies were required to respond to this act. It is worth noting again that there is not an agency of the Federal Government, not one agency, that is exempt from this law. This is not a request. This is a statutory requirement of every agency.

The Department of Homeland Security has not even complied with the first step of this law. They have not performed risk assessments for the programs to be of significant risk of making improper payments. They are an at-risk program according to the analysis, yet they have not even looked to do a risk assessment. The Government Accountability Office has found at least six major programs at this Department are out of compliance with the Improper Payments Act. The Department of Homeland Security's independent auditor has repeatedly cited noncompliance, and the Department of Homeland Security continues to face significant challenges with FEMA and the Individual and Households Program.

Based upon the Department's performance and accountability report and their independent auditor assessment, the following programs are out of compliance with the improper payments act: Customs and Border Protection; Office of Grants and Training; Federal Air Marshals—the Coast Guard was supposed to have done a performance evaluation and risk assessment but it has not been done; FEMA; the Transportation Security Agency; and Immigration and Customs Enforcement. Not one of them has performed the first risk assessment as to improper payments.

In case you think that is not a lot of money, we have already spent over $25 billion in grants through the years for these programs, of which we have not looked at the problem accounts. The press is replete with problems in terms of these grants: $9 billion on State and local preparedness grants—that is what we get from DHS. Secretary Chertoff at the most recent hearing said $5 billion of the money, another $5 billion—part of which has been obligated but has not gone out the door yet.

I think we owe it to the American people, if there is a law on the books, before we send more money out the door the agency ought to comply with the law. They ought to at least do a risk assessment. If there is no risk, that is fine. Then they will have complied with the law. But if there is risk, we ought to be identifying the risk. Every dollar we spend wastefully is a dollar we don't use to protect ourselves in terms of our security.

KPMG was the independent auditor for 2004, 2005, and 2006 for the Department of Homeland Security. In each one of those years they were out of compliance with this act. Specifically, the Department is cited for not instituting a systematic method of reviewing all practices and identifying those believed to be susceptible to erroneous, improper payments. The most important part of the Improper Payments Act is to create the process of good, strong oversight within the Department to make assessments about whether they are making improper payments. What this assessment does is it identifies where those improper payments could have been made, and that is essential to find out where the problems exist.

This amendment does not debate any of the merits of the Department's programs. It simply demands compliance with the transparency and accountability measurements that already exist under current law. If we want the American people and the executive branch to take us seriously, Congress must demand compliance with the laws that are laws. We cannot back off.

This amendment is not a surprise to the Department of Homeland Security. They know they are failing and they need to respond to it. This amendment in no way jeopardizes State funding. Let me tell you why. It is because there is a pipeline of 9 to 12 months in the works already on grants that are going there. For this to have any impact would mean they would have to not respond for another year before those grants would be in jeopardy. Some of my colleagues say, You can't do this. You can't put these grants at the risk of noncompliance of an agency in terms of meeting the law. The question ought to be, Why not? Why shouldn't we put the agency at risk with their grants for being noncompliant?

The other point I make is most of these grants go to States and localities. The problem with the grants is there is some culpability on the part of the States and the localities in terms of these grants. The States are not totally innocent. There is $2.5 billion that has not even been awarded yet that still can be awarded before this takes effect. So there is still another $5 billion, which is greater than the amount we spend in any one year on these grants. What this amendment says is they cannot go past that unless they have complied with the law.

If we are not going to agree to this amendment, then we need to trash the Improper Payments Act. If we are not going to say the Department of Homeland Security has an obligation to follow the law, then we ought to take the law off the books. We know for sure in the other areas of the Federal Government we have somewhere between $40- and $80 billion worth of improper payments. We know we have $40 billion of improper payments, overpayments, in Medicare; somewhere close to $30 billion in Medicaid. We have a third of the Earned Income Tax Credit that we know were improper payments and we have only looked at 40 percent of the Government; 60 percent of the Government still isn't complying.

We ought to say right now if we are going to put more money through the door, the American taxpayer ought to have value for the money they send through that door. What we are saying is we want them to be accountable, to be accountable as an agency of the Federal Government. There ought to be transparency. We ought to be able to see where they are making mistakes and where they are not. The question of not even asking the question is what we are debating with this amendment; they are in absolute noncompliance with the Federal law that requires them to be compliant about whether their grants are improperly paid or funding other than what they expected to fund.

Investigation showed FEMA spent millions on puppet shows, bingo, and yoga in south Florida. There is an article in the National Review, 7/19/05, on homeland pork. Baltimore Sun, 5/29/05, chasing security with dollars. The only transparency we have here is that there is a total lack of transparency in the Department of Homeland Security.

Needless to say, this is a bill that goes far outside 9/11 recommendations. The 9/11 recommendations said all money should be risk based. What we have turned around with the 9/11 bill, this one and what had passed in the previous Congresses, is a way to dole out money to States and not hold them accountable.

What this amendment says is you are going to have to start being accountable. If we are going to send out another almost $20 billion in terms of grants, Homeland Security ought to have to follow the law in terms of improper payments.

Remember, these grants are not competitively awarded—which is very different than the grants we have in almost every other Federal program. The fact they are not competitive is another reason, a much greater reason, for us to demand accountability and transparency at the Department of Homeland Security. These grants are also not let on the basis of risk. Some are. In some of these it will be down to .45 percent, others at .75, and a few at .25. Most of them have no local match so there is no risk on the side of the States or the municipalities that get these grants.

Just a note: The best way for Congress to practice spending discipline is to demand that the agencies comply with the laws assuring appropriated dollars are spent adequately, appropriately, and lawfully. We have yet to do that with many agencies.

DHS is a good place to start. FEMA awarded $22.6 million for crisis counseling for victims of Hurricanes Rita and Katrina—$22.6 million. Katrina did not even hit Florida. Yet a large portion of that was spent in Florida. There is no accountability. There was no risk assessment. Was there a risk? They have not done the work we demand by the law and what is being demanded of other agencies.

There was an article in the Florida Sun. I cannot vouch for its accuracy, but where there is a little smoke there is some fire. Of the $1.2 billion in aid that FEMA granted to individuals—not municipalities or contractors but to individuals—affected by the weather disasters between 1999 and 2004, the Florida Sun-Sentinel found of $1.2 billion, at least $330 million of that went to people who did not personally suffer any damage or disruption from the storms. That is a fourth of the money out of that $1.2 billion. No wonder we have a deficit. No wonder. Because we are not willing to take the time to force an agency to do what they should be doing under the law.

I want to talk for a minute about this bill. The 9/11 Commission was very succinct and direct, noting that we have tremendous vulnerabilities and risks and exposures throughout this country. They were very clear to state that money that comes out of Congress to address those ought to be absolutely risk based. The House bill at least is down to 0.25 percent for every State. What that gives us is about 15 percent of the money is going to go to the States regardless of their risk. So that is about $3.5 billion or $4 billion—no risk, you are going to get Homeland Security grants even though you have no risk.

Think about what we are going to ask ourselves if we have another terrorist attack and it is in one of the high-risk areas and we have sent, year after year after year, $4 billion to areas that do not have a high risk and that money could have prevented that action.

With good fiscal discipline, we will best protect the people of this country. I know the tendency of this body is to make sure you get enough for you and to make sure you can go home and say we got this for you. You pat yourself on the back. But I wonder how many of us will be patting ourselves on the back when we buy things that are not absolutely necessary with these grants that are going to States and we ignore the very high-risk east coast, west coast, gulf coast, and the large metropolitan areas in this country that need more money while we are playing politics with 15 to 20 percent of the money. We will be judged on that, and that judgment will not be a pretty picture.

This amendment simply says no funds can go for any of these grants until FEMA and the Department of Homeland Security start complying with the Federal statute, which is called the Improper Payments Act of 2002. It is very straightforward.

What we will have raised is the fear that my State may not get some money. They have a year to comply. They have plenty of time to do what they have been asked to do. Senator OBAMA and I, this last year, over 8 months ago, sent a letter to the Department of Homeland Security asking why.

I ask unanimous consent to print that letter in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, November 16, 2006.

Hon. MICHAEL CHERTOFF,
Secretary, U.S. Department of Homeland Security, Washington, DC.

DEAR SECRETARY CHERTOFF: We are writing with regard to a recent Government Accountability Office (GAO) report concerning improper payments at the Department of Homeland Security (DHS). The persistent pattern of improper payments limits the Department's ability to respond to our nation's most dire threats and hazards, and we seek assurances that you are taking adequate steps to address this problem.

As you may know, the GAO released a report on November 14, 2006 assessing the compliance of government agencies with the Improper Payments Information Act (IPIA) of 2002 (P.L. 107–300). Congress passed and the President signed the IPIA with the belief that the Federal government, as a steward of

taxpayer dollars, should safeguard these funds from improper payments and make timely and accurate reports on the improper payments that do occur, so that erroneous payments are not repeated in the future.

Based on the recently-released GAO report, it appears that DHS is not fulfilling its duty to address improper payments. Specifically, the Department appears to have failed to adequately perform the first step in reducing improper payments—assessing which of its programs are at risk for these payments. If an accurate risk assessment does not occur, the Department's ability to reduce improper payments is seriously compromised.

We understand that in the period evaluated by the GAO (in DHS' Fiscal Year 2005 Performance and Accountability Report), DHS identified no programs in the entire agency with a high risk for improper payments. However, the GAO analysis of certain DHS programs indicates that the Department has not ''institute[ed] a systematic method of reviewing all programs and identifying those it believed were susceptible to significant erroneous payments.''

For example, GAO points to the Individuals and Households Program (IHP) within the Federal Emergency Management Agency. Despite warnings of reported financial management weaknesses in the IHP program from the DHS Office of Inspector General and the Senate Committee on Homeland Security and Government Affairs, DHS concluded that the program did not meet the OMB standard for identifying programs susceptible to significant improper payments—exceeding $10 million and 2.5 percent of program payments. However, the GAO analysis of the IHP program reveals improper payments of approximately $1 billion. In GAO's words, this ''dramatically different'' result—a difference of at least $990 million—far exceeds the OMB requirement for a high-risk program.

In fact, this was the third year in a row that your independent auditor reported IPIA noncompliance for DHS. If DHS cannot accurately determine which of its programs are at risk for improper payments, it cannot take further steps to root out these payments. And if steps are not taken to root out improper payments in an agency with an annual budget of over $34 billion, American taxpayer dollars will be left vulnerable to waste, fraud and abuse with funds that should have been used to protect them.

Please provide us with an explanation of how the Department failed to identify the IHP as a risk susceptible program during the risk assessment process for fiscal year 2005, potentially failing to account for as much as $990 million in improper payments. We further ask that you provide details on how the Department plans to institute an improved method of reviewing all of its programs and identifying those programs that are susceptible to improper payments, in accordance with the letter and spirit of the law.

Please provide a response by December 15, 2006. Thank you in advance for your consideration of this important matter.

Sincerely,

BARACK OBAMA,
U.S. Senator.
TOM COBURN,
U.S. Senator.

Mr. COBURN. This letter was sent to Secretary Chertoff. The Federal Financial Management Subcommittee of the Committee on Homeland Security and Governmental Affairs had four hearings on improper payments. We know what is required. We know they can do it. What the Congress has to do is make them do it, if they want to spend the money. It is only right for our children and grandchildren to get fair value for the taxpaying public, as we send out this money.

I am a skeptic when it comes to this body, when it gets away from the political porking that goes on. I am not sure this amendment will pass. But if it doesn't pass, I will offer an amendment to get rid of the Improper Payments Act because there is no reason to have a law that we are not going to enforce. If we are not going to enforce it, why is it on the books? It is similar to enforcing the borders. The law is there, but we don't do it.

We have to be accountable to the American public to make sure that agencies follow the law. This is a simple amendment that requires Homeland Security to follow that.

By the way, we have not had an answer to this letter. It was dated November 16. I spoke in error.

UNITED NATIONS FUNDING

I want to correct something I said last week on the United Nations. My numbers were wrong. We, in fact, do pay for about 22 percent of the unified budget at the United Nations, and our total contribution is in excess of $5 billion. I had the ratios right, I had the numbers wrong. I want to correct that for the RECORD today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

AMENDMENT NO. 305

Mr. SESSIONS. Mr. President, I call up amendment No. 305. I believe it is already pending, having been offered by Senator MCCONNELL.

The PRESIDING OFFICER. The amendment is pending.

Mr. SESSIONS. Mr. President, I ask unanimous consent that Senators CRAIG, INHOFE, ISAKSON, and COBURN be made cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, it is critically important that we clarify the role of State and local law enforcement officers in the enforcement and apprehension of those who violate our immigration laws and that we expand the National Crime Information Center interest. It is critical that we have them participate because with expanded NCIC capability, which I am surprised is not already being done, they can be partners in Federal law enforcement efforts.

It would be in compliance with what the 9/11 Commission and other reports have asked us to do. It is a loophole in the system today that needs to be fixed.

The amendment I offer is a slimmed down version of the bill I offered in the last Congress, the Homeland Security Enforcement Enhancement Act. That was cosponsored by Senators CRAIG, INHOFE, and ISAKSON. The ideas contained in the amendment have also been supported by Senators KYL and CORNYN. They included it in their immigration bill last Congress. Senators BEN NELSON and COBURN included those provisions in the Nelson-Sessions immigration enforcement bill in the last Congress.

Additionally, my amendment is almost word for word the provision that the Senate Judiciary Committee included when it marked up the Senate immigration bill last year and the provision that the full Senate voted for when it passed S. 2611.

The first section of the amendment reaffirms what I believe to be the existing inherent authority of State and local law enforcement to assist the Federal Government in enforcing the immigration laws of the United States during the normal course of carrying out their law enforcement duties. The amendment specifically states that the participation of State and local law enforcement personnel is not required, not mandated by this legislation. It is 100 percent voluntary.

Section 2 of the amendment deals with the listing of immigration violators in the National Crime Information Center database. State and local officers need easily accessible roadside access to critical immigration information, just as they would do for citizens of the United States who violate our laws. Officers routinely, when they stop people on the road, run National Crime Information Center database checks when they pull over suspects, speeders, or people they are investigating for other crimes. The NCIC is their bread-and-butter database. Today the immigration violators file of the National Crime Information Center database contains information on deported felons, alien absconders, and wanted persons, aliens with outstanding criminal warrants. That is in the National Crime Information Center database. But my amendment would direct that the Department of Homeland Security work with the FBI to place additional information on certain immigration violators into the already existing immigration violators file.

The four categories of immigration violators whose information would be entered are, one, aliens who have final orders of removal. That is someone who has been apprehended, gone through a hearing, and a judge has ordered finally that they be removed from the country for whatever violation; two, it would cover aliens under voluntary departure agreements who for one reason or another have signed an order that they would voluntarily deport themselves or leave the country; No. 3, it would cover aliens who are known to have overstayed their authorized period of stay, the visa overstays; and No. 4, it would cover aliens whose visas have been revoked. Sometimes people misbehave seriously. Twenty-seven percent of our Federal penitentiary bed spaces today are filled by noncitizens.

For some reason in recent years we are seeing a substantial number of

criminal aliens coming into the country. These are not bed spaces for immigration law violations, not people waiting to be deported. These are people who have been arrested, tried, or convicted of Federal criminal laws such as drug dealing and assaults or smuggling, things of that nature.

When State and local police officers encounter individuals during their regular law enforcement duties, it is important that they know if the individual in front of them falls into one of these violator categories. Importantly, my amendment includes a new procedure for removal of erroneous information from NCIC. If there is something entered incorrectly, under the new procedures an alien may petition the Secretary of the Department of Homeland Security or the head of NCIC to remove any erroneous information that may have been placed in that file to protect them from any unfair treatment.

These are recommendations that should already be law, but they are recommendations made in the 9/11 Commission Report. We are all familiar with those recommendations, and they have been included in the Hart-Rudman report.

On page 384 of the 9/11 Commission Report, the Commission says:

> Our investigations showed that two systemic weaknesses came together in our border system's inability to contribute to an effective defense against the 9/11 attacks: a lack of well-developed counterterrorism measures as a part of border security and an immigration system not able to deliver on its basic commitments, much less support counterterrorism. These weaknesses have been reduced but are far from being overcome.

On page 390, the report says:

> There is a growing role for State and local law enforcement agencies. They need more training and work with Federal agencies so that they can cooperate more effectively with those Federal authorities in identifying terror suspects.

In the fall of 2002, a year after the 9/11 attacks, the Council on Foreign Relations published the Hart-Rudman report entitled ''America Still Unprepared, America Still in Danger.'' That report found that one problem America still confronts is that 700,000 local and State police officials continue to operate in a virtual intelligence vacuum. The first recommendation of the Hart-Rudman report was to ''tap the eyes and ears of local and State law enforcement officers in preventing attacks.'' That is their first recommendation, to ''tap the eyes and ears of local and State law enforcement officers in preventing attacks.''

On page 19 the report specifically cited the burden of finding hundreds of thousands of illegal fugitive aliens living among the population of more than 8.5 million illegal aliens and suggested that the burden could and should be shared with the 700,000 local, county, and State law enforcement officers, if they could be brought out of the information void.

So this amendment I am offering tightly targets 9/11 Commission and Hart-Rudman report recommendations that we look at the growing role for State and local law enforcement, that we move toward an immigration system that can ''deliver on its basic commitments'' as a way to fight terrorism, and that we ''tap the eyes and ears of local and State law enforcement officers'' in an effort to find the hundreds of thousands of fugitive aliens in the United States.

Most Americans would probably be amazed that is not occurring today. In fact, a recent poll of 3 years ago was done on this very subject. It found that a large majority of Americans believe that State and local governments should be aiding the Federal Government in finding alien fugitives. That is pretty commonsensical. In fact, a Roper poll found that 85 percent of Americans agree and 65 percent strongly agree—those are powerful numbers—that Congress should pass a law requiring State and local governments and law enforcement agencies to apprehend and turn over to INS, now ICE, illegal immigrants with whom they come in contact. That is pretty strong data.

It is important to note that those responses were collected in answer to questions about requiring State and local immigration enforcement action. So it is very likely that a poll on this subject, one about voluntary State and local assistance, would be even stronger.

Let me tell my colleagues about the problem that started my interest in this area and prompted me to offer this amendment, as well as 3 years ago to push for a hearing, which was held on April 22, 2004, in the Judiciary Committee entitled ''State and Local Authority to Enforce Immigration Law, Evaluating a Unified Approach for Stopping Terrorists'' and for me to author a Law Review article in April of 2005, along with my chief counsel on Judiciary, Cindy Hayden, that was published in the Stanford Law and Policy Review, entitled ''The Growing Role for State and Local Law Enforcement in the Realm of Immigration Law.''

This is the reality. This is the problem we are dealing with. Police chiefs and sheriffs in Alabama have begun to tell me, as I have traveled the State and met with them frequently, and as I continue to do so, that they have been shut out of immigration enforcement and that they felt powerless to do anything about Alabama's growing illegal immigrant population. I heard the same story wherever I went:

> When we come across illegal aliens in our normal course of duty, we have given up calling the INS, because they tell us we have to have 15 or more illegals in custody or they will not even bother to come and pick them up.

Even worse, Alabama police were routinely told that aliens could not be detained until INS could manage to send someone. They were told they just had to let them go. This is basically the policy all over America today, I kid you not. If a local officer in virtually any State in America stops someone for speeding or DUI and finds out they are here illegally, they basically take no steps to even contact INS because they only have 2,000 agents in the entire United States and they are not going to come out there and get them. In fact, for other legal reasons, they may have some doubt—although, frankly, not much—but there is some doubt about what their authority might be.

Now, we have done some research into this and believe the legal authority of State and local officers to voluntarily act on violations of immigration law is pretty clear. If there is any doubt that State and local law enforcement officers have any authority—and if there is any, and there certainly is some today—Congress needs to remove that doubt, which is what this amendment will do.

Basically, there is a split in the circuits. I will take just a moment to explain. The Tenth Circuit on more than one occasion concluded squarely that a ''state trooper has general investigatory authority to inquire into possible immigration violations.'' As the Tenth Circuit went on to say, there is a ''preexisting general authority of state or local police officers to investigate and make arrests for violations of federal law, including immigration laws.''

The Tenth Circuit went on to say, in 2001:

> [S]tate and local police officers [have] implicit authority within their respective jurisdictions ''to investigate and make arrests for violations of federal law, including immigration laws.''

Now, these Tenth Circuit cases made no distinction between criminal violations and visa overstays, which are not criminal in nature but civil. But the Ninth Circuit did. They concluded the civil violations of a visa overstay did not amount to an offense of law that the local law enforcement officer could arrest and detain for. It was in dictum, not part of the central holding of that case. But that one piece of dicta has created an impression throughout the country that has impacted lawyers and police departments and sheriffs' departments all over America.

They are telling their officers: Well, it might be that the person you stop and is here illegally is a visa overstay and not someone who came across the border illegally, and if you arrest them and detain them, they might sue us, they might sue the city, they might sue the police department. So they have established policies based on this ambiguity that have effectively reduced the participation of local law enforcement officers to a dramatic degree in the enforcement of immigration laws. That is not appropriate. We can fix that. This amendment would fix that.

The second problem the amendment deals with is the inadequate way we share information on immigration matters with State and local police. We have databases full of information on

criminal aliens and aliens with final deportation orders, but that information is not directly available to the State and local police through their base system, the NCIC. Instead, officers are required to make a special second inquiry to the Law Enforcement Support Center, which is headquartered in Vermont, to see if the person they pulled over is an illegal alien wanted by DHS.

Now, I have to tell you, they are not just carrying around in their pocket those phone numbers anyway. They do not know how to do it. They are not comfortable with it. It is not what they do every day. They are not doing it. Besides, if they do and find out the person is illegal, there is nothing much they can do but let them go anyway. So the ability of the bread-and-butter NCIC database to convey to local police who stop someone out on the highway information that this may be a wanted person, maybe even a terrorist, has been severely impacted or really is not effective in many different areas.

I have complained about this for some time, and some progress has been made but not enough. To date, the Immigration Violators File of the NCIC contains about 200,000 entries, and only about 107,000 of the approximately 600,000 alien absconders are in the NCIC. I want you to hear that. Only about 100,000 of the 600,000 alien absconders have been entered into the NCIC.

So what does that mean? That means if a local police officer somewhere stops a person who has been previously arrested for an immigration violation and that person has been released on bail, as often is the case, and ordered to return to court or to be deported—and they frequently do not do so; they abscond; and there are 600,000 of those absconders out there, but only 107,000 of those records are in NCIC, so a local police officer is not likely to find a hit for the person before him—there will be a 1-in-5 chance of them getting that hit.

That really needs to be fixed. For the life of me, I cannot see why more progress has not been made. We have been talking about this for 4 or 5 years in the Senate Judiciary Committee with the Department of Justice officials and ICE officials and FBI people who run the NCIC.

At the very least, NCIC should contain four types of immigration information.

The first group: aliens with final orders of removal. If someone has been ordered removed, they should not be in this country. They sometimes leave the country and come back into the country and you get a hit on that person. In other words, they have been ordered removed. Why are they back in the country?

The second group that should be in there: aliens under voluntary departure agreements. Some agree to leave voluntarily and sign an agreement to that effect. They ought to be in there because they should not have stayed in the country or, if they left, they should not have returned.

The third group: aliens who are known to have overstayed their authorized period of stay should be entered.

The fourth group: aliens whose visas have been revoked, for heaven's sakes, ought to be in there.

If somebody is here improperly—maybe they have been associated with some criminal enterprise; the ICE people have revoked their visa for some reason; it would have to be significant, usually, for that to occur—they ought to go in there because if they are stopped somewhere, they should be detained and turned over to ICE; otherwise, the system is not working.

Let me tell my colleagues—I know how this system works—if someone had their visa revoked and had been ordered to be removed, trust me, the ICE agents do not go out and walk the streets of Philadelphia or Atlanta or Birmingham and look for them so they can deport them. They do not do it. They are not even close to having the ability to do that. Only the people for whom they have evidence who are extremely dangerous is that done. That is very few. The way most people are caught is just like everybody else in America who is caught who has absconded or run off on bail. They get caught by getting picked up by police on a traffic stop somewhere. The police officer runs their name and ID in NCIC and a hit comes back; there is a warrant for his arrest in Montgomery, AL, for armed robbery, and he locks him up.

If you are an American citizen and you get a reckless driving ticket and you are ordered to appear in court at a given time and place and you do not appear in court, they issue a warrant for your arrest. Normally, the police officers do not go out and chase you down all over and find you to arrest you. Normally, they put it in the NCIC immediately on the assumption you will soon be stopped somewhere else along the way and they will get a hit on you and somebody will put you in jail because you have a warrant for flight out there or for jumping bail. But we do not do that for noncitizens. A citizen, that will happen to; a U.S. Senator, that will happen to but not somebody who is coming to the country illegally. We do not do the same thing when they jump bail on their charges.

So there are a lot of stories we can tell. I will just summarize a number of them. It really caught the attention of the 9/11 Commission. For example, Mohamed Atta, who is believed to have piloted American Airlines Flight 11, which flew into the World Trade Center's North Tower, and played a leading role in more than 3,000 deaths that occurred that day, in July, just 2 months before the attacks, was stopped by police in Tamarac, FL, and was ticketed for having an invalid license. He ignored the ticket and a bench warrant was issued for his arrest. When he was stopped for speeding a few weeks later in a nearby town, the officer did not check, did not discover this warrant had been issued and let him go with only a warning.

Now, OK, Atta had not yet become illegal. I believe at that time he still was on a legal status. However, it was about to expire. I doubt he would have returned to the immigration office to get it extended. He would soon have been here illegally as a visa overstay. He could well have been apprehended and identified before 9/11 had he done so.

That is the example I am trying to make. It could very well have been decisive.

Also Hani Hanjour was, just 1 month before 9/11, stopped by police in Arlington, VA, for driving 50 miles an hour in a 35-mile-per-hour zone. He was in a Chevy van with New Jersey plates. He produced a Florida driver's license. But he was the pilot of the American Airlines Flight 77 which crashed into the Pentagon.

A third hijacker was stopped by State police just 2 days before September 11, also for speeding. Maryland State police stopped Ziad Jarrah on Interstate 95 for driving 90 miles an hour in a 60-mile-per-hour zone.

Well, we are not talking about academic matters; we are talking about the fact that the alien database needs to be accessible to local police. It might as well, for all practical purposes, be locked up in some vault somewhere in secrecy, the way it is being done today. It is not available to the people out there who need it.

The Hart-Rudman Commission raised that point, as did the 9/11 Commission. I have been told at hearings by the appropriate officials that the NCIC system can handle the additional data. It will not overburden the system. It will make this information readily and immediately available to a police officer. He or she may have stumbled onto a person such as Mohamed Atta on his way to commit a horrible, unspeakable act of terrorism against the people of the United States. That opportunity to make that arrest and to identify that criminal is most important.

So that is the purpose of the amendment. I believe as people think about it we will see the need for it. I have tried to get this done in any number of different ways, but we have not quite gotten there yet. I think there is a majority in the Senate, probably on both sides of the aisle, who would support this when it is clearly raised. But as so often tends to happen, matters that actually work to a significant degree and will actually substantially increase the ability of our law enforcement system to be effective are the things that do not become law. It is almost like if it works, it will not pass. If you come up with something that sounds good but will not work, that will get passed.

This needs to be done. In many ways, it will be a test of the Members of this body.

Are we serious about enforcement of immigration laws? I think we are becoming that way. I believe there is a growing understanding that lawfulness needs to be returned to immigration. Without it, we are going to continue to have an erosion of public confidence in our system. We can do all of that. I ask that my colleagues consider this amendment. I hope we will be able to move it forward as part of this security legislation.

Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 347 TO AMENDMENT NO. 275

Mr. SESSIONS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] offers an amendment numbered 347 to amendment No. 275.

Mr. SESSIONS. Mr. President, I ask that this amendment be called up and made pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of Congress regarding the funding of Senate approved construction of fencing and vehicle barriers along the southwest border of the United States)

At the appropriate place, insert the following:

SEC. ___. SENSE OF CONGRESS ON THE FUNDING OF FENCING AND VEHICLES BARRIERS ALONG THE SOUTHWEST BORDER OF THE UNITED STATES.

(a) FINDINGS.—Congress makes the following findings:

(1) On May 17, 2006, by a vote of 83 to 16, the Senate approved amendment 3979 sponsored by Senator Sessions to Senate Bill 2611 (109th Congress), the Comprehensive Immigration Reform Act of 2006, which required the Secretary of Homeland Security to construct at least 370 miles of fencing and 500 miles of vehicle barriers along the southwest border of the United States.

(2) On August 2, 2006, by a vote of 94 to 3, the Senate approved amendment 4775 sponsored by Senator Sessions to House Bill 5631 (109th Congress), the Department of Defense Appropriations Act, 2007, which included a provision to appropriate $1,829,000,000 for the construction of 370 miles of fencing and 461 miles of vehicle barriers along the southwest border of the United States.

(3) On September 20, 2006, by a vote of 80 to 19, the Senate approved House Bill 6061 (109th Congress), the Secure Fence Act of 2006, which mandates the construction of fencing and border improvements along the southwest border.

(4) On October 26, 2006, the President signed the Secure Fence Act of 2006 (Public Law 109–367; 120 Stat. 2638), which mandates that ''[n]ot later than 18 months after the date of the enactment of this Act, the Secretary of Homeland Security shall take all actions the Secretary determines necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States,'' including ''physical infrastructure enhancements to prevent unlawful entry by aliens into the United States'' into law.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress should—

(1) appropriate funds in the Department of Homeland Security Appropriations Act for fiscal year 2008 to fund, at a minimum, the strong commitment to border security represented in the President's budget request for fiscal year 2008, which is consistent with the congressional intent expressed in amendment 3979 sponsored by Senator Sessions to Senate Bill 2611 (109th Congress), amendment 4775 sponsored by Senator Sessions to House Bill 5631 (109th Congress), and the Secure Fence Act of 2006; and

(2) appropriate funds in Department of Homeland Security Appropriations Acts for fiscal years after fiscal year 2008 in a manner consistent with the congressional intent expressed in such amendment 3879, such amendment 4775, and the Secure Fence Act of 2006.

Mr. SESSIONS. Mr. President, I thank the Chair. I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

Mr. REID. Mr. President, I ask unanimous consent that at 11:30 tomorrow morning, the Senate proceed to vote in relation to the following amendments in the order listed, that there be 2 minutes of debate between each vote, with the time divided and controlled in the usual form: amendment No. 316, McCaskill; amendment No. 315, Lieberman, as amended, if amended; Collins amendment No. 342; and amendment No. 314, the DeMint amendment.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, and I would say to my good friend, the majority leader, I will have to object. I have not had a chance to vet several of these amendments on this side yet, and I understand we are still going to have a vote on the DeMint amendment, a motion to table in the morning, even if this unanimous consent is not agreed to. So, therefore, I will be constrained for the moment to object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. I would indicate to the majority leader I will continue to work on it. I believe I am also correct the plan is to go ahead and have a vote on the tabling motion of the DeMint amendment.

Mr. REID. Yes. If I was unable to do that, that is what I will do. Thank you very much, Mr. President. I appreciate the statements of my friend.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO HAL ROTHMAN

Mr. REID. Mr. President, it is with great sadness that I rise to share the passing of a real Nevadan, Dr. Hal Rothman. After a struggle with Lou Gehrig's disease, Hal passed away on February 25, 2007. He was a loving husband to Lauralee, a father to Talia and Brent, and a friend to many who were privileged to know him, including me.

Hal's professional life and community involvement were remarkable. Hal was a history professor at UNLV, a Las Vegas Sun columnist, and a respected author on Western and environmental history. Whenever anyone needed a quick quote or quip about Las Vegas, they often called Hal. From syndicated news shows to historians, Hal was often seen as the go-to-man for anything related to the city.

Hal's love of Las Vegas was clearly apparent last October when he was honored as the Chin's Humanitarian of the Year by the southern Nevada chapter of the Muscular Dystrophy Association. In his prepared remarks Hal wrote:

I have sought to explain our wacky city and State to an often skeptical and sometimes incredulous national and international audience. Las Vegas not only became our home but also a city I love with all my heart.

Hal was an outstanding ambassador for Las Vegas and to a larger extent Nevada. He was our front man. He was our image. He was our voice to the world. Nevada has lost one of its favorite sons, and Hal will be forever remembered as a tireless advocate for Las Vegas.

DIABETES SCREENING AND MEDICAID SAVINGS ACT

Mr. DOMENICI. Mr. President, on Friday, my colleague Mr. SCHUMER and I introduced the Diabetes Screening and Medicaid Savings Act of 2007. This bill will provide a diabetes screening benefit for adults within the Medicaid program. Only Medicaid eligible individuals who are enrolled in the program and who meet certain qualifications will be covered. If you test positive for diabetes, then there is mandated coverage of treatment, supplies, and education.

According to the American Diabetes Association, diabetes affects nearly 21 million Americans, about 7 percent of the total population. The number of U.S. adults with diagnosed diabetes has

increased by more than 60 percent since 1991 and is projected to more than double by 2050. It ranks as the sixth leading cause of death in America. People who have diabetes are much more likely to suffer from blindness, kidney failure, heart disease, stroke, and nerve damage. These complications result in significant costs to the health care system as a whole as well as to the individual suffering from this disease.

Diabetes health care specialists say that many patients who are diagnosed with diabetes initially visit their doctor not for symptoms related to the diabetes but because they are already suffering from the secondary complications. If diabetes complications are the first indication that you have diabetes, you are starting your fight at an incredible disadvantage.

Although the increasing burden of diabetes and its complications is frightening, much of this burden could be prevented with early detection. Methods for controlling diabetes and minimizing its impact on health and health care costs are well documented. Yet access to these services, including screening and early interventions, varies by State.

The bill we are introducing today will provide a uniform benefit within the Medicaid Program. This bill recognizes that diabetes has been found to be most prevalent in low-income and certain ethnic populations. This bill makes sure that the needs of these populations, such as Native Americans and Hispanics are addressed.

Complications of diabetes can be prevented and the costs of this disease to our society can be contained. Early detection and treatment is the key. I know that the chairman and ranking member of the Finance Committee have been working very hard to reform the Medicaid Program so that it will better serve those who need it most. I appreciate their efforts and hope they will consider making the changes I am recommending.

ADDITIONAL STATEMENTS

CONGRATULATING HAWAI'I'S NATIONAL CHEERLEADING CHAMPIONS

• Mr. AKAKA. Mr. President, I wish to congratulate the Kamehameha Varsity Cheer Team which won the National High School Cheerleading Championship at Walt Disney World in Orlando, FL, on February 9 to 11, 2007. The Kamehameha squad received top marks from the competition's judges, garnering a total of 713 points, thereby capturing the Small Varsity Division title.

The Warriors advanced to the national championship by winning 1 of 58 regional competitions held across the country and was 1 of 6 teams to advance directly to the finals. At the national competition, Kamehameha faced off against 55 rival squads. In the final round of competition, the young women of Kamehameha demonstrated amazing skill and athleticism acquired over many months of rigorous training.

The Kamehameha Varsity Cheer Team includes captains Corinne Chun, Jasmine Merseberg, Kendra Uson, and Keeny Won; and members Erika Castro, Kelli Ann Uehara, Cristina Lei Luke, Kanani Kekuawela, Savannah Wolfe, Kacie Kamaka'ala, Ashley Murakami, Robbi Bulatao, and Chelsea Bega. The team is led by cohead coaches Melissa Beimes and Dolly Wong, along with varsity coaches Giselle Ann-Kim and Shannon Cosma, all Kamehameha School alumnae.

I congratulate the Kamehameha Varsity Cheer Team on their accomplishment, and I wish all of them the best in their future endeavors. I extend the same congratulations to all members and coaches who participated in this year's National High School Cheerleading Championship on a job well done.•

RECOGNIZING DR. LAWRENCE THOMAS GERATY

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in recognizing the lifetime contributions of Dr. Lawrence Thomas Geraty as he retires as president of La Sierra University in southern California. Dr. Geraty's strengths as a churchman, educator, academic, and administrator provide an example for us all.

Dr. Geraty has been a college and university president for the past 22 years, first taking on this role at Union College in South Lancaster, MA, in 1985. For the past 14 years he has served as president of La Sierra University in Riverside, CA.

Growing up as a member of a Seventh-Day Adventist missionary family, Lawrence Geraty gained a broad perspective of the world, living abroad or attending educational institutions in China including Hong Kong, Burma, Lebanon, England, Germany, France, and Israel. He earned his bachelor's degree from Pacific Union College, then graduated from the Theological Seminary at Andrews University. Following his graduation, he served as a pastor in Santa Ana, CA, for a brief period of time. Thereafter, he joined Andrews Theological Seminary as a faculty member. After serving at Andrews, he went to Harvard University to study Hebrew Bible and Biblical archaeology, earning his Ph.D. with distinction and completing examinations in 10 languages.

After receiving his Ph.D. Dr. Geraty returned to Andrews Theological Seminary to work as Professor of Archaeology and History of Antiquity. For the next 13 years, Dr. Geraty served as an educator and scholar in Jamaica, Jordan, Costa Rica, Trinidad, Europe, and Australia. During this period, he was a founding director of the Institute of Archaeology at Andrews University, led a series of major archaeological expeditions in the Middle East, and worked as the curator of the Horn Archaeological Museum.

Dr. Geraty has had led a prominent career in academia. He was the recipient of a Fulbright fellowship. He served as an adviser on archaeology to former Crown Prince Hassan of Jordan. He served as vice president of the American Center of Oriental Research in Amman, Jordan from 1982 to 2002. He represented the U.S. Office of Education in a delegation of administrators to study minority education in China. He has published roughly 50 scholarly journal articles, edited 8 books and provided contributions to over 30 books.

During his tenure as president of La Sierra University, the university has seen tremendous growth and has played an integral role in the growth of inland southern California and our Nation. Between 1993 and 2006 university enrollment nearly doubled. In 2002, a biotechnology laboratory opened. In 2004, U.S. News and World Report distinguished La Sierra University for its successes in student diversity. And this year, Dr. Geraty had the great distinction of being named ''Citizen of the Year'' by the Greater Riverside Chamber of Commerce.

In his time as president of La Sierra University, Dr. Lawrence Geraty has provided our Nation with a role model of leadership and citizenship. His commitment continues to leave a legacy of service to academia, scholarship, education, his community and our Nation, and I applaud his lifetime of service as he retires.•

TRIBUTE TO WALTER SONDHEIM, JR.

• Ms. MIKULSKI. Mr. President, I wish to pay tribute to one of Baltimore's great civic leaders, Walter Sondheim, Jr. If ever there was a statesman from Baltimore, it was Walter Sondheim. From the time I entered public life in 1971, his name was synonymous with integrity, public purpose and civic leadership, and he was the most self-effacing public figure I ever met.

Perhaps Walter Sondheim's most unique talent was his ability to manage transitions. Whether in business, in the community or in his own personal life, Walter knew when to hold them and when to fold them. In the late 1950s and early 1960s, Walter recognized the evolution in Baltimore's economic base from heavy industry and manufacturing to tourism, service and technology. He championed a new vision of public land use and architectural excellence when he shepherded the Renaissance of Baltimore and the creation of the present day Inner Harbor. He challenged the business community to look forward and prepare for the service economy and the explosion of technology related businesses that was being driven by our major universities and federal scientific facilities.

In the larger community, Walter Sondheim led us from the darkness of

segregation and into the vision illuminated by the U.S. Supreme Court's decision in Brown v. Board of Education in 1954. Where other communities hesitated or procrastinated, as president of the Board of School Commissioners for Baltimore City, he forged ahead to implement this milestone ruling long before other cities around the Nation. The result was a speedy, thoughtful, considered integration of the public schools.

In his own personal life, Walter Sondheim transitioned from his early life as a businessman with one of Baltimore's premiere department stores to the leader of a number of influential civic and business organizations. With grace and purpose, he carefully released himself from old roles and embraced new opportunities. He never looked backward, only forward. He did not fear new ideas. Whatever challenge he chose to address, he was always the right man in the right place at the right time.

Finally, Walter Sondheim was never threatened by other talented people. Indeed, he encouraged young leadership and new faces in the crowd. For this young protestor, who found herself in an elected position inside City Hall, he had nothing but words of encouragement and offers of assistance. He knew that civic leadership was comprised not only of traditional groups, but also of the sweat equity crowd that desired change. He always welcomed new energy and new points of view. Walter remained unburdened by convention and the status quo his entire life long.

I ask that a Baltimore Sun article on the life and contributions of Walter Sondheim be printed in the RECORD.

The material follows:

[From the Baltimore Sun, Feb. 15, 2007]

WALTER SONDHEIM JR.: 1908–2007—HE WAS SAGE ADVISER, KEY FIGURE IN CITY'S GROWTH

Through 6 decades, they called upon Walter Sondheim Jr. When Baltimore mayors, Maryland governors and other civic leaders needed sage advice, inevitably they sought it from a man widely admired for integrity and uncommon warmth and graciousness.

Mr. Sondheim died at 10 a.m. Thursday of pneumonia at Mercy Medical Center. He was 98, and until last week he worked every day at his office at the Greater Baltimore Committee.

Mr. Sondheim had a gift for nudging people toward grand accomplishments, often to the surpassing benefit of Baltimore and the state beyond. He earned his livelihood as a department store executive, but his legacy can be found in sweeping civic movements.

As president of the Baltimore school board in 1954, Mr. Sondheim insisted—though other cities stalled—on the speedy desegregation of Baltimore schools after the U.S. Supreme Court's ruling in Brown v. Board of Education. As a leader of the city's downtown development agency, he coaxed his colleagues into carefully controlled planning of the Inner Harbor. He headed the state panel that promoted regular testing of students. He disdained anything but the highest ethical standards in business and government.

''It's hard to imagine God having created a better person than Walter Sondheim,'' said Robert C. Embry Jr., the city's former housing commissioner and now president of the Abell Foundation.

Accolades poured in from the many leaders Mr. Sondheim counseled throughout the decades.

Gov. Martin O'Malley, who ordered state flags to be flown at half-staff, said Mr. Sondheim ''wasn't shy about reaching out'' to him with advice when Mr. O'Malley was mayor.

''If there was one enduring quality about Walter Sondheim, it was he had an unrelenting optimism about human nature,'' Mr. O'Malley said Thursday night.

Sen. Benjamin L. Cardin said, ''Whether it was integration of the city schools or the redevelopment of Baltimore, he was certainly well ahead of his time.''

William Donald Schaefer, the former governor and mayor who worked closely with Mr. Sondheim on many civic improvement efforts, called his death ''a tremendous loss,'' describing Mr. Sondheim as one of the smartest and kindest men he knew.

''Integrity. I've never known a man with so much integrity in my life,'' Mr. Schaefer said. ''He would not sanction anything that was not right.''

During nearly a century of life, Mr. Sondheim crossed paths with many celebrated personages of his day. His favorite portrait of his late wife, Janet, was taken by the famed photographer Dorothea Lange. His children were delivered by Dr. Alan Guttmacher, a Johns Hopkins obstetrician-gynecologist who was one of the pioneers in the field of reproductive health. His brother-in-law was Richard Neustadt, a Harvard political scientist and the founder of the university's John F. Kennedy School of Government.

LINKED TO HISTORY

His life was also intimately entwined with the history of Baltimore. He knew H.L. Mencken, who was a friend of Mr. Sondheim's father. His parents were married a week before the Great Baltimore Fire of 1904, which destroyed much of the downtown business district.

A droll and charming raconteur, Mr. Sondheim would recount for friends that when his parents returned from their honeymoon to the still-smoking Baltimore, his father told his mother that the fire of their love had engulfed the city.

But beyond the stories was a remarkable record of achievement in reshaping the city. Mr. Schaefer said the Science Center, Harborplace and Charles Center—among other projects—are ''all monuments to Walter.''

Through it all, Mr. Sondheim was self-effacing, often protesting his aversion to the spotlight. ''I'm not sure how I've gotten involved in the variety of things referred to here today,'' he said in 1975 when the Advertising Club of Baltimore gave him its Man of the Year Award. ''One factor, of course, is just being around for so many years. My good, long-suffering, strangely faithful wife is clear about the fact that I'm just weak-kneed and haven't the courage to say 'no.'

''Personally, I lean to the theory, expressed by a friend of mine, that there are some jobs only a damned fool will do, and if you're one, you have an obligation to accept such an assignment when it's offered to you.''

People who knew Mr. Sondheim dismissed such talk.

He was a man of great affability who, until the end, delighted in juicy gossip and laughter.''

Everybody wanted him at their parties,'' Mr. Cardin said. ''You don't get many people in their late 90s that everybody wants to be around. He was one of a kind.''

Freeman A. Hrabowski III, president of the University of Maryland, Baltimore County and a longtime close friend, said he was thinking back Thursday to something Mr. Sondheim told him 20 years ago.

''He said, 'Freeman , live life seriously, but don't take it seriously. You do your best, and then you laugh,' and that was Walter,'' Mr. Hrabowski said.

Mr. Sondheim performed a vital role as a link between the region's businessmen and William Donald Schaefer when he was a city councilman, mayor, governor and later state comptroller.

The two men met when a young Mr. Schaefer chaired a City Council committee on urban renewal.

''He would walk into the City Council, and it was like the Lord walked in,'' Mr. Schaefer said. ''You would never think of challenging Walter.''

State Treasurer Nancy K. Kopp said that while Mr. Sondheim deeply admired Mr. Schaefer, he never hesitated to speak his mind to the mercurial politician.

''He was never reluctant to tell Schaefer he was making mistakes,'' Ms. Kopp said.

C. Fraser Smith, a former Sun reporter who wrote a biography of Mr. Schaefer, described an incident in which the two men were flying to Germany to receive an honor on behalf of the city.

Mr. Sondheim, the story goes, took advantage of the opportunity to admonish the mayor over his gruff treatment of people. Why are you so mean to people? Mr. Sondheim asked. After stewing a long time, Mr. Schaefer demanded to know whom he had treated badly.

''Why don't you look in the phone book?'' Mr. Sondheim replied.

Once pressed to explain his skills in dealing with people, Mr. Sondheim allowed that he possessed an ability to listen to others, the patience to find a workable compromise when confronted with controversial points of view, and the gift of being able to put himself in someone else's position.

He then added: ''Liking people is not as important as understanding people. This is a skill that is not born; it's trained. You can't be judgmental about somebody with whom you don't agree.''

Mr. Sondheim was born in his father's house on Bolton Street on July 25, 1908, an era of gaslights and streetcars. He recalled for a 2003 Sun article that the family passed summers in the cooler climate of a rented home in Pikesville. One summer, his father said he couldn't join the family; when they returned to Bolton Hill, they found that the elder Mr. Sondheim had spent the time having electric power installed.

Barred from some of the city's elite schools because he was Jewish, Mr. Sondheim attended Park School, becoming a member of one of its first classes. He went on to Haverford College in Pennsylvania, from which he graduated in 1929, and went to work for the Hochschild, Kohn department store, where his father worked. Mr. Sondheim would later chalk up his job to ''nepotism.''

In 1934, he married Janet Blum of Berkeley, Calif., who had been a dancer with the Denishawn Company. He had proposed to her in a speakeasy. They had two children, John W. Sondheim and Ellen Dankert, both of Baltimore.

Mrs. Sondheim, who later became a teacher, died in 1992. Mr. Sondheim's death came on what would have been their 73rd wedding anniversary.

Even at a young age, Mr. Sondheim was interested in race relations at a time when few white Baltimoreans questioned segregation as a bedrock principle. He served on the board of the Baltimore Urban League during the 1930s.

''It was really a segregated city,'' Mr. Sondheim recalled in a 1995 interview. ''I

worked at Hochschild, Kohn's. We waited on African-Americans but on an all-sales-final basis. People couldn't return things, they couldn't eat in the restaurants, and they were only employed in menial capacities. The fact that blacks were not treated as full citizens as customers was a major issue with both the Urban League and the NAACP.''

Mr. Sondheim said he worked within the company to change the practice. ''I was terribly unhappy and embarrassed,'' he said during a 2003 trial in which he testified about the history of discrimination in Baltimore.

Nevertheless, Mr. Sondheim rose to the position of store manager at Hochschild's and held that post for five years until, in 1942, he was appointed director of the United States Employment Service for Maryland, an agency responsible for transferring people from nonessential jobs to war work.

The following year, he joined the Navy and was commissioned a lieutenant. He was stationed in Cleveland and, when asked about his war service, loved to say he had protected the Great Lakes from Axis invasion. He served until 1946. With the war over, he returned to Hochschild, Kohn.

Mr. Sondheim's name and reputation came to the attention of Mayor Thomas D'Alesandro Jr. in 1948 when he was looking for someone to fill a vacancy in what was then considered ''the Jewish seat'' on the school board. Mr. Sondheim accepted the job and served on the board for the next nine years.

Though Mr. Sondheim seldom dwelled on the discrimination he personally encountered, he took the appointment at a time when anti-Semitism was pervasive in the United States in general and Baltimore in particular.

In the 2003 discrimination trial at which he testified, Mr. Sondheim recounted that his family was once blocked from buying a house in Roland Park when the seller found out the Sondheims were Jewish. He also testified that the elite downtown clubs that served the business establishment also barred Jews—a barrier that led to the formation of the Center Club. But when some organizers of that club proposed that it exclude blacks, Mr. Sondheim and several others withdrew their applications. The rule was dropped.

FATEFUL DECISION

It was while Mr. Sondheim was president of the school board that the city decided in May 1954 to desegregate its schools in response to the Supreme Court's decision.

Baltimore became the first school district south of the Mason-Dixon line to respond to the Supreme Court's unanimous, landmark ruling outlawing ''separate but equal'' education for blacks and whites.

Integration here was accomplished with relatively little tension compared with events in other cities, and the process was hailed as a signal achievement at the time.

But it did not come entirely without resistance. On one occasion, an opponent of desegregation burned a cross on Mr. Sondheim's Windsor Hills lawn. But Mr. Sondheim would play down the incident, telling friends that the cross was puny and the fire hardly got started.

''He wouldn't back off,'' Mr. Schaefer said. ''He wouldn't step aside. He wouldn't do anything except what was right.''

In 1958, Morgan State awarded Mr. Sondheim an honorary degree. He accepted his honor alongside the Rev. Martin Luther King Jr., who received the same honor from the school that day, according to state archivist Edward C. Papenfuse Jr.

Nevertheless, Mr. Sondheim declined to count school desegregation as one of his achievements—noting that 50 years later most African-American students attend schools that are almost entirely black. He would tell listeners that while he and others desegregated the schools, they didn't succeed in integrating them.

Mr. Sondheim's next major task in the life of the city came in 1957 when he was named head of the newly created Baltimore Urban Renewal and Housing Authority, which brought together a number of agencies charged with handling the city's public housing program.

He said he had no advanced knowledge of public housing—other than having lived with Mrs. Sondheim and their children in a Cleveland public housing project when he was in the Navy—but he started to learn.

The learning process coincided with the city's initial commitment to downtown renewal, spurred by the GBC, an organization of prominent citizens determined to prevent the area from deteriorating. In his role as housing authority chief and as a member of the GBC, he helped launch the first renewal project, Charles Center.

The year was 1963. His civic responsibilities, added to his work at the department store, overwhelmed him. He resigned as head of the housing authority to devote more time to retailing but remained involved in less demanding civic enterprises.

In 1970, Mr. Sondheim decided to take early retirement from the department store, where he had risen to the post of senior vice president and treasurer, and started a second career with the quasi-public Charles Center-Inner Harbor Management organization that was transforming the city's skyline and attracting national attention from urban planners.

The new post became a full-time job, but he also was called upon to serve as director of the Baltimore Urban Coalition, chairman of the board of Goucher College and a member, trustee or director of such organizations as Mercy and Sinai hospitals, the Baltimore Gas and Electric Co. and the Chesapeake & Potomac Telephone Co.

However, Mr. Sondheim decided in May 1989 to shed some of these responsibilities.

After 15 years as chairman of Charles Center-Inner Harbor Management, where he worked for $1 a year, he announced his resignation. At the same time, he stepped down as president of Charles Street Management Corp. and Market Center Development Corp., two agencies that helped direct development of other parts of downtown.

''I think that people can stay too long on some jobs,'' he said when announcing his retirement.

Soon he settled into an office at the GBC, where he took the title of senior adviser. His work ethic never flagged. When snow prompted other staff members to leave the office early, Mr. Sondheim, who lived nearby in a condominium at Harbor View, would take over the job of answering phones.

Asked once why he never joined in the white flight out of the city, Mr. Sondheim replied: ''What I learned early on is cutting grass is not as good as walking pavement.''

Two years after taking senior status at the GBC, Mr. Sondheim was appointed by Mr. Schaefer to chair a gubernatorial panel on school performance—a group that would become known as the Sondheim Commission. The group produced a report that became the blueprint for what would become known as the Maryland School Performance Assessment Program, or MSPAP.

The controversial test, with its heavy emphasis on writing skills, would be the state's chief educational measurement tool for a decade.

A FEELING OF AWE

While on senior status, Mr. Sondheim would continue to be sought out for advice by aspiring political leaders.

Former Gov. Parris N. Glendening said Mr. Sondheim was one of the first people he turned to for advice before launching his campaign for the State House. Then the Prince George's County executive, Mr. Glendening said he and Mr. Sondheim spoke for well over an hour about education and the condition of Baltimore. After his election as governor in 1994, Mr. Glendening said he frequently solicited Mr. Sondheim's views on ''big picture'' issues such as the city-state partnership in running Baltimore schools.

''I would talk with him and always come away with a feeling of awe,'' Mr. Glendening said.

In 1997, when he was 89, Mr. Sondheim was the central figure in a Wall Street Journal article about people who delayed retirement far beyond the age of Social Security eligibility.

The Page 1 article recounted how Mr. Sondheim sent a letter to his closest friends asking them to let him know—by anonymous note if they preferred—if he ever reached the point where it was time to stop coming to work.

Lainy Lebow-Sachs, former chief of staff to Mr. Schaefer and a longtime friend of Mr. Sondheim's, said none of his friends wrote such a reply. ''Everybody ripped it up,'' she said.

Mr. O'Malley said Mr. Sondheim played a behind-the-scenes role in his 2004 standoff with Gov. Robert L. Ehrlich Jr. and state Superintendent Nancy S. Grasmick over the control of the city school system. The governor described Mr. Sondheim as performing ''shuttle diplomacy'' between City Hall and Mrs. Grasmick, a close friend of Mr. Sondheim who had aligned herself with Mr. Ehrlich in favor of increased state control.

''He tried very much to be a conciliator on that score and felt that it was very unhealthy for the progress of our kids that the school system wound up as a political football,'' Mr. O'Malley said. He added that Mr. Sondheim privately urged him to stick by his guns on the issue of local control.

Mr. Sondheim cut back on some activities in his final years. In 2001, he stepped down as president of the state school board, a post he had held since 1998. Two years later, he left the board after serving two terms as a member. Last year, he stepped down from the board of the Abell Foundation.

But he remained active in business and political activities well into his late 90s. In 2006, he recruited a group of prominent Baltimoreans who were interested in buying The Sun from Tribune Co. Until his death, he served on one board that ensures compliance with the state's open-meetings laws and another that runs the American Visionary Arts Museum.

As he advanced in years, Mr. Sondheim frequently joked about his age. Once, asked how he was doing, he replied: ''OK, considering my antiquity.''

Ms. Lebow-Sachs said Mr. Sondheim's longevity and vigor could not be attributed to a health regimen. ''He ate anything he wanted, and he didn't exercise since 1921,'' she said.

Mr. Sondheim would continue to drive—but only during the day—until the week before his death, when he broke his ankle in an accident. It was after that injury that he would check into Mercy, where his final illness was diagnosed.

Ms. Lebow-Sachs and Mr. Schaefer recalled that every time Mr. Sondheim received an honor—and there were dozens—he would go on and on about how he didn't deserve it.

Mr. Schaefer said his friends' reaction was always: ''For God's sake, Walter, cut that out!''

In 2005, when the University of Maryland, Baltimore County named its social sciences building after Mr. Sondheim and his late wife, he admonished school officials.

''You shouldn't name a building for people who are still alive,'' Mr. Sondheim—then 96—said at the dedication ceremony. ''You never know what they'll do tomorrow.''

In addition to his son and daughter, Mr. Sondheim is survived by two granddaughters and a great-granddaughter. He is also survived by a sister-in-law, Shirley Williams, a former member of Britain's Parliament and Mr. Neustadt's widow.●

HONORING GARY M. CLARK

● Mr. BURR. Mr. President, I wish to take this opportunity to honor the life of Caldwell County Sheriff Gary M. Clark, who died from cancer on February 2 at the age of 47. Sheriff Clark was an outstanding and dedicated public servant whose influence, knowledge, and achievements were widely known and highly regarded.

Sheriff Clark served the citizens of Caldwell County with honor and distinction for 27 years. He began his law enforcement career with the Lenoir Police Department, where he served for 22 years. He was first elected sheriff of Caldwell County in 2002 and reelected to a second term in November 2007.

Sheriff Clark loved serving the citizens of Caldwell County and dedicated his life to law enforcement. Additionally, he loved his family and was a dedicated husband and father. He was also a man of great faith.

Sheriff Clark is survived by his wife Kim Clark; two daughters, Megan Elaine Clark, 14, and Staci Michelle Clark, 11; his parents Stanley and Norma Clark; and a brother, Alan Clark.

I know my colleagues in the Senate join me in honoring the life of Sheriff Gary M. Clark and in offering condolences to his family, friends, and colleagues.●

COMMEMORATING THE SOUTH RIVER RURITAN CLUB

● Ms. MIKULSKI. Mr. President, I offer my congratulations to the South River Ruritan Club in Edgewater, MD, on their 50th anniversary.

The South River Ruritan Club, a community service organization, was chartered on March 13, 1957, and for 50 years has been providing much needed services to the citizens of Edgewater, Annapolis, and southern Maryland.

The Club, whose members are all volunteers, have contributed well in excess of half a million dollars in direct financial aid and countless hours of time, to numerous community service projects.

The club awards local students scholastic and vocational scholarships and provides assistance to local Scout troops, youth athletics, and other youth-related programs. They conduct an annual essay contest for fifth grade students and have sponsored students to the National Association of Student Council Conference and Exchange Student programs.

They contribute annually to the local fire and rescue departments, the Maryland and Anne Arundel County police departments, and support environmental programs, including efforts to protect the Chesapeake Bay.

Our Active Duty military, retired and disabled military, and veterans organizations also benefit from the volunteer efforts of the club. They have sent direct aid to our troops in Iraq and provide additional financial assistance through their military's morale and welfare assistance programs.

Their work also includes assistance in such areas as financial aid to needy families, victims of violent crimes, families displaced by catastrophes such as fires, and hurricanes, and assistance through Habitat for Humanity. They contribute annually to St. Jude Children's Research Hospital and Johns Hopkins Hospital Children's Center and they loan wheelchairs, walkers, and other medical assistance equipment to members of the community.

I congratulate the South River Ruritan Club on their wonderful record of community service over the last 50 years and wish them enormous success as they continue their commitment to improving their communities and supporting the families who live in and around them. This club and their membership, both past and present, have every reason to be proud of what they have accomplished.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, 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 READ THE FIRST TIME

The following bill was read the first time:

S. 761. A bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–15. A resolution adopted by the Senate of the Legislature of the State of West Virginia relative to supporting the U.S. troops participating in the War on Terror; to the Committee on Foreign Relations.

SENATE RESOLUTION NO. 9

Whereas, the United States is at war against terrorists who would take our lives and property in the name of their extremist beliefs; and

Whereas, American troops are currently in harm's way defending American freedom in locations across the globe, including Iraq and Afghanistan; and

Whereas, many of those servicemen and women are West Virginian citizens or friends or relatives of West Virginian citizens; and

Whereas, leaders in Washington, D.C., should do all that is in their power to fund and support American soldiers, sailors, airmen and Marines, with special emphasis placed on providing adequate body armor for all military personnel in harm's way; therefore, be it

Resolved by the Senate: That the Senate hereby expresses its full support for United States troops participating in the War on Terror; and, be it further

Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the President of the United States, the Secretary of the Department of Defense, the Chairman of the Joint Chiefs of Staff, the President of the United States Senate, the Speaker of the House of Representatives, the Secretary of the United States Senate, the Clerk of the United States House of Representatives and West Virginia's congressional delegation.

POM–16. A joint resolution adopted by the Legislature of the State of Maine relative to memorializing Congress to repeal the REAL ID Act of 2005; to the Committee on Homeland Security and Governmental Affairs.

JOINT RESOLUTION

Whereas, the federal REAL ID Act of 2005 mandates an unfunded national driver's license on the people of Maine and was passed as a rider on military spending bill; and

Whereas, implementation of the REAL ID Act of 2005 will cost Maine taxpayers approximately $185 million; and

Whereas, the REAL ID Act of 2005 national database will invite theft of identity and invasion of privacy; and

Whereas, the REAL ID Act of 2005 will impose inconveniences and higher taxes on Mainers with no attendant benefit such as protections from terrorism; now, therefore, be it

Resolved, That the Maine State Legislature refuses to implement the REAL ID Act of 2005, and we thereby protest the treatment by Congress and the President as agents of the Federal Government; and be it further

Resolved, That We, your Memorialists, respectfully urge and request that the Congress of the United States repeal the REAL ID Act of 2005; and be it further

Resolved, That official copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States; the Honorable Michael Chertoff, Secretary of Homeland Security; the Honorable John E. Baldacci, Governor of the State of Maine; the Honorable Richard Cheney, President of the United States Senate; the Honorable Nancy Pelosi, Speaker of the United States House of Representatives; and each member of the Maine Congressional Delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with amendments and an amendment to the title:

S. 385. A bill to improve the interoperability of emergency communications equipment (Rept. No. 110–30).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 509. A bill to provide improved aviation security, and for other purposes (Rept. No. 110–31).

By Mr. DODD, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 763. An original bill to provide the resources to protect public transportation from terrorism (Rept. No. 110–32).

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. DODD:

S. 756. A bill to authorize appropriations for the Department of Defense to address the equipment reset and other equipment needs of the National Guard, and for other purposes; to the Committee on Armed Services.

By Mrs. CLINTON:

S. 757. A bill to create a national set of effective voluntary national expectations for mathematics and science education in kindergarten through grade 12, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENSIGN (for himself and Mr. REID):

S. 758. A bill to direct the Secretary of the Interior to convey the Alta-Hualapai Site to the city of Las Vegas, Nevada, for the development of a cancer treatment facility; to the Committee on Energy and Natural Resources.

By Mr. WEBB:

S. 759. A bill to prohibit the use of funds for military operations in Iran; to the Committee on Foreign Relations.

By Mr. SALAZAR:

S. 760. A bill to provide certain counties with the ability to receive television broadcast signals of their choice; to the Committee on Commerce, Science, and Transportation.

By Mr. REID (for himself, Mr. MCCONNELL, Mr. BINGAMAN, Mr. DOMENICI, Mr. INOUYE, Mr. STEVENS, Mr. KENNEDY, Mr. ENZI, Mr. LIEBERMAN, Mr. ENSIGN, Ms. MIKULSKI, Mr. ALEXANDER, Mr. NELSON of Florida, Mrs. HUTCHISON, Mr. KERRY, Mr. SMITH, Mr. MENENDEZ, Mr. ROBERTS, Mr. SALAZAR, Mr. CORNYN, Mr. PRYOR, Mr. COLEMAN, Ms. CANTWELL, Mr. MARTINEZ, Mr. CARPER, Ms. MURKOWSKI, Mrs. CLINTON, Mr. CRAIG, Mr. KOHL, Mr. LUGAR, Mr. BROWN, Mr. VOINOVICH, Mr. ROCKEFELLER, Mr. WARNER, Ms. LANDRIEU, and Mr. OBAMA):

S. 761. A bill to invest in innovation and education to improve the competitiveness of the United States in the global economy; read the first time.

By Mr. GRASSLEY (for himself, Mr. MCCAIN, and Mr. DURBIN):

S. 762. A bill to include dehydroepiandrosterone as an anabolic steroid; to the Committee on the Judiciary.

By Mr. DODD:

S. 763. An original bill to provide the resources to protect public transportation from terrorism; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mrs. CLINTON (for herself, Ms. SNOWE, Mr. BINGAMAN, Mr. NELSON of Florida, Mr. KERRY, Mr. DURBIN, and Ms. CANTWELL):

S. 764. A bill to amend title XIX and XXI of the Social Security Act to permit States the option of coverage of legal immigrants under the Medicaid Program and the State children's health insurance program (SCHIP); to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. OBAMA, Ms. MURKOWSKI, and Ms. MIKULSKI):

S.J. Res. 5. A joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. BOXER (for Mr. BIDEN (for himself, Mrs. BOXER, Ms. CANTWELL, Mrs. CLINTON, Mrs. FEINSTEIN, Ms. KLOBUCHAR, Ms. LANDRIEU, Ms. MIKULSKI, Mrs. MURRAY, and Ms. STABENOW)):

S. Res. 93. A resolution supporting the goals of ''International Women's Day''; to the Committee on the Judiciary.

By Mr. VOINOVICH (for himself, Mr. AKAKA, Mr. LIEBERMAN, Mr. STEVENS, Mr. WARNER, and Ms. COLLINS):

S. Res. 94. A resolution honoring the employees of the Department of Homeland Security on the 4th anniversary of the Department; considered and agreed to.

ADDITIONAL COSPONSORS

S. 206

At the request of Mrs. FEINSTEIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 206, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 261

At the request of Ms. CANTWELL, the names of the Senator from Florida (Mr. NELSON) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 261, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 294

At the request of Mr. LAUTENBERG, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 294, a bill to reauthorize Amtrak, and for other purposes.

S. 320

At the request of Mr. AKAKA, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 320, a bill to provide for the protection of paleontological resources on Federal lands, and for other purposes.

S. 329

At the request of Mr. CRAPO, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 369

At the request of Mr. SCHUMER, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 369, a bill to provide for a medal of appropriate design to be awarded by the President to the next of kin or other representative of those individuals killed as a result of the terrorist attacks of September 11, 2001.

S. 402

At the request of Mrs. LINCOLN, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 402, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains.

S. 430

At the request of Mr. LEAHY, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Montana (Mr. TESTER), the Senator from Connecticut (Mr. DODD) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 439

At the request of Mr. REID, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 439, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 450

At the request of Mr. ENSIGN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 465

At the request of Mr. NELSON of Florida, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 465, a bill to amend titles XVIII and XIX of the Social Security Act and title III of the Public Health Service Act to improve access to information about individuals' health care options and legal rights for care near the end of life, to promote advance care planning and decision-making so that individuals' wishes are known should they become unable to speak for themselves, to engage health care providers in disseminating information about and assisting in the preparation of advance directives, which include living wills and durable powers of attorney for health care, and for other purposes.

S. 481

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 481, a bill to recruit and retain more qualified individuals to teach in Tribal Colleges or Universities.

S. 486

At the request of Mr. KENNEDY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 486, a bill to establish requirements for lenders and institutions of higher education in order to protect students and other borrowers receiving educational loans.

S. 505

At the request of Ms. COLLINS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 505, a bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses.

S. 513

At the request of Mr. LEAHY, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 513, a bill to amend title 10, United States Code, to revive previous authority on the use of the Armed Forces and the militia to address interference with State or Federal law, and for other purposes.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 546

At the request of Mr. CHAMBLISS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 546, a bill to amend title XXI of the Social Security Act to make available additional amounts to address funding shortfalls in the State Children's Health Insurance Program for fiscal year 2007.

S. 579

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 597

At the request of Mrs. FEINSTEIN, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. 597, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 626

At the request of Mr. KENNEDY, the names of the Senator from Utah (Mr. HATCH), the Senator from Maryland (Ms. MIKULSKI), the Senator from Georgia (Mr. ISAKSON) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 626, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 634

At the request of Mr. DODD, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 634, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 649

At the request of Mrs. CLINTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 649, a bill to require the Nuclear Regulatory Commission to conduct an independent safety assessment of the Indian Point Nuclear Power Plant.

S. 651

At the request of Mr. HARKIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 651, a bill to help promote the national recommendation of physical activity to kids, families, and communities across the United States.

S. 661

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 661, a bill to establish kinship navigator programs, to establish guardianship assistance payments for children, and for other purposes.

S. 682

At the request of Mr. KENNEDY, the names of the Senator from Florida (Mr. NELSON), the Senator from North Carolina (Mr. BURR) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. 682, a bill to award a congressional gold medal to Edward William Brooke III in recognition of his unprecedented and enduring service to our Nation.

S. 694

At the request of Mrs. CLINTON, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 694, a bill 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 for other purposes.

S. 699

At the request of Mr. ALLARD, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 699, a bill to prevent the fraudulent use of social security account numbers by allowing the sharing of social security data among agencies of the United States for identity theft prevention and immigration enforcement purposes, and for other purposes.

S. 726

At the request of Mr. LEVIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 726, a bill to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp.

S. 727

At the request of Mr. COCHRAN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 727, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 739

At the request of Mr. BINGAMAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 739, a bill to provide disadvantaged children with access to dental services.

S. 744

At the request of Mr. MCCAIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 744, a bill to provide greater public safety by making more spectrum available to public safety, to establish the Public Safety Interoperable Communications Working Group to provide standards for public safety spectrum needs, and for other purposes.

S. 746

At the request of Mr. ALLARD, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 746, a bill to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 749

At the request of Mr. NELSON of Florida, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. 749, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S.J. RES. 4

At the request of Mr. BROWNBACK, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S.J. Res. 4, a joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer

an apology to all Native Peoples on behalf of the United States.

S. CON. RES. 3

At the request of Mr. SALAZAR, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber.

S. RES. 65

At the request of Mr. DODD, his name was added as a cosponsor of S. Res. 65, a resolution condemning the murder of Turkish-Armenian journalist and human rights advocate Hrant Dink and urging the people of Turkey to honor his legacy of tolerance.

At the request of Mr. MENENDEZ, his name was added as a cosponsor of S. Res. 65, supra.

At the request of Mr. SALAZAR, his name was added as a cosponsor of S. Res. 65, supra.

At the request of Mr. COLEMAN, his name was added as a cosponsor of S. Res. 65, supra.

S. RES. 92

At the request of Mrs. CLINTON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Res. 92, a resolution calling for the immediate and unconditional release of soldiers of Israel held captive by Hamas and Hezbollah.

AMENDMENT NO. 272

At the request of Mr. ALLARD, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of amendment No. 272 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 300

At the request of Mr. GRASSLEY, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of amendment No. 300 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 326

At the request of Mr. CARDIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 326 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD:

S. 756. A bill to authorize appropriations for the Department of Defense to address the equipment reset and other equipment needs of the National Guard, and for other purposes; to the Committee on Armed Services.

Mr. DODD. Mr. President, no one has worked harder or sacrificed more in the war on terrorism than our soldiers, sailors, airmen, and Marines.

Regrettably, they have been tested in unprecedented ways—with too few troops in our overall forces, our soldiers are rotating in and out of Iraq for year-long stretches. By the beginning of next year, members of the 3rd Infantry Division will have spent more time in Iraq than at home in a span of five years.

On top of the physical and psychological strains caused by these deployments, our troops are contending with grave equipment shortfalls and sparse resources to restock their supplies.

Congress and the American public were already informed that two-thirds of the Army's forces in the United States are ''not ready'' for combat duty, largely due to these equipment shortfalls.

But the situation for our National Guard is far worse. In a report submitted to Congress last Thursday by the Commission on the National Guard and Reserves, we learned that 88 percent of the National Guard has been classified as ''not ready'' for duty. Such a statistic seems earth-shattering to me—it should drive all of us in Congress to action immediately.

As my colleagues know, the National Guard operates under dual authorities: overseas, they become fully integrated into the U.S. Armed Forces, serving under the President in a variety of combat missions; at home, the National Guard serves under our States' governors, performing homeland security functions during local or statewide emergencies, such as storms, fires, earthquakes or civil disturbances.

For years now, however, the administration's foreign policies have actually endangered the Guard's abilities to perform either of these functions. Under orders by the administration, National Guard troops have been forced to leave their State's equipment in Iraq and Afghanistan for other troops rotating into combat theaters. Many of their military vehicles and aircraft are being worn down and destroyed in battle. But any critical equipment that may have survived is simply being transferred to other units coming into Iraq or Afghanistan.

This means that when the National Guard comes home, they are finding their stocks of equipment—ranging from humvees to night-vision goggles, generators and radios—cleaned out. So today, we face a frightening series of questions—what happens when the next Hurricane Katrina strikes? Who will help restore order? Who will help provide critical emergency response services? And what equipment will they use?

The National Guard Commission, led by former Senate Armed Services Committee Staff Director retired Marine General Arnold Punaro, lays out the problems in stark terms. Unless we address this situation immediately, we will jeopardize not only our troops' safety but our very nation's security.

That is why today I am introducing legislation to rebuild our National Guard and ensure that it can fully perform both its homeland security and national defense missions. According to the National Guard Bureau at the Pentagon, the President's budget is short $38 billion over the next five years. My bill would allocate funding according to the needs projected by National Guard Bureau Chief Lieutenant General H. Steven Blum.

Some may suggest that this is not an issue that can simply be fixed with more money. As in prior years, the Department of Defense may say that the defense industry simply just does not have adequate capacity to manufacture all of these new product orders. If that is the case, we will need to find ways to expand our nation's defense production. For that reason, my bill will also require the Defense Department to provide a plan for investing in industry to expand their manufacturing capacity.

This legislation will complement the Leahy-Bond Guard Empowerment Act of 2007, legislation that I have proudly cosponsored to elevate National Guard leadership at the Department of Defense so that it may better contribute to the formulation of key defense policies. But without the necessary resources, the National Guard will be unable to do its job. That is why my legislation is so important today.

These conclusions were further confirmed by a January 2007 Government Accountability Office (GAO) report which found that our National Guard's equipment inventories in the United States have decreased largely because of overseas operations. The GAO further found that as of November 2006, nondeployed Army National Guard forces nationwide only have 64 percent of the total amount of equipment they need.

Let me be clear about the reasons why my legislation is needed to lay out our budget for the next five years. While the administration's recent five-year budget projections have sought large increases for National Guard equipment, according to the National Guard Commission Report data, the administration and Republican-led Congresses have repeatedly failed to follow through on such requirements.

According to the Commission, funding from 1999–2005 has been reduced significantly from the amounts identified several years earlier. For example, when the administration's first five-year budget was submitted to Congress, it showed that the Army planned to fund $1.346 billion in Fiscal Year 2004

for Army National Guard procurement. But in reality, the Army Guard actually had only $578.4 million to spend that year. Similarly, the Fiscal Year 2005 budget was initially projected to be $1.625 billion for the Army National Guard. But when it came time to allocate the funding, the Administration and their Congressional allies could only come up with $660.9 million for Army National Guard procurement.

Indeed, while our troops have given their all on the battlefield, the administration and United States Congress have not held up their end of the bargain. We owe it to our troops to do all that we can to promote their wellbeing—whether providing appropriate care at our military and VA hospitals or providing the military equipment they need to complete their missions safely and effectively.

Regrettably, the sad and simple fact is that the administration has repeatedly come up short in this regard. And these failures are having devastating consequences, not only for our troops but for our Nation's very defense and homeland security.

This situation is not new. I have come to the floor to try to address lacking resources for our military's essential equipment needs from the very first year of the Iraq war. In 2003, the Army identified $322 million in shortfalls in critical health and safety gear—ranging from body armor, camelback hydration systems, and combat helmets to equipment for deactivating high-explosives—all priorities that the Rumsfeld Pentagon and Bush administration failed to provide for in their initial budgets. I offered an amendment to the Emergency Appropriations bill to resolve these problems. Unfortunately, the Bush administration opposed this legislation, and the amendment was defeated along party lines.

In 2004, we tried a different approach—requiring the Department of Defense to reimburse military personnel who bought equipment for military service in Iraq and Afghanistan that the Rumsfeld Pentagon had failed to provide. This time, despite ardent objections of Secretary Rumsfeld's Pentagon, Congress approved the legislation. And in October 2004, President Bush signed the bill into law. We approved similar legislation in 2005 to further extend this benefit as troops, their families, and their communities continued to dig into their own pockets to buy needed lifesaving equipment for use on the battlefield.

But last year, the difficulties associated with equipment shortfalls posed a far more serious problem. Working with Senators INOUYE, REED and STEVENS, I offered an amendment to address a $17 billion budget shortfall to replace and repair thousands of war battered tanks, aircraft, and vehicles. Without these additional resources, the Army Chief of Staff claimed that U.S. Army readiness would deteriorate even further. This provision was approved unanimously and enacted in law. But much more remains to be done.

If Congress and the administration do not finally heed the warnings of the U.S. military's top generals, and fully fund our equipment needs, the Armed Forces' ability to respond to future challenges to America's national security—whether on the Korean Peninsula, the Middle East, or elsewhere in the world—could be harmed.

Moreover, if we do not take the findings of the independent National Guard Commission seriously, and fully address the equipment shortfalls of our Citizen Soldiers here at home, I am afraid we will further erode our states' most pressing emergency response capabilities.

For the last six years, our troops have unconditionally served in Afghanistan, battling Al Qaeda and Taliban forces. And for four years, they have bravely followed orders into Iraq, despite the administration's ill-defined objectives and faulty intelligence.

Our troops have served with characteristic honor, dedication, and skill. It is high time that we meet our commitments to them—and give them the mission-critical gear they need to get their jobs done. I strongly urge my colleagues to support my legislation.

By Mrs. CLINTON:

S. 757. A bill to create a national set of effective voluntary national expectations for mathematics and science education in kindergarten through grade 12, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I rise today to reintroduce legislation to help ensure that American students are competitive in today's global economy. If approved, The National Mathematics and Science Consistency Act would ensure that America's children have access to a rigorous math and science education.

The reality is that modern technology makes it increasingly possible for employers to hire the most skilled workers wherever they live. Additionally, too many American students—even some graduates of high school and college—are not equipped with the skills they need to compete successfully in the global economy. That is why I am reintroducing the Mathematics and Science Consistency Act.

This legislation calls for the National Academy of Sciences (NAS) to convene a national panel of experts to collect proven effective K–12 science and mathematics teaching standards and materials to serve as promising practices. Under this bill, it is entirely up to states whether to adopt these promising practices. States that do so, however, would be eligible for grants to acquire instructional materials, to make those materials available online to teachers and staff for free, and to train teachers to effectively use these materials. These promising practices would provide effective standards for K–12 education.

Regrettably, many States have set standards for math and science education at an abysmally low level. A Fordham Institute report entitled ''The State of State Science Standards 2006'' deemed the average grade for State standards across all subjects as a ''C-minus,'' while two-thirds of our K–12 students attend schools in States with C-, D-, or F-rated standards. The result of low State standards is that States think their students are demonstrating proficiency in math and science when in fact they are not.

For example, a recent Trends in International Mathematics and Science Study, the largest and most comprehensive comparative international study of education, found that 12th graders in the U.S. ranked 21st out of 40 industrialized nations on general math and science knowledge. In addition, just one in three of America's college graduates earn degrees in math, science, and engineering while two in three college graduates of other countries do so. We must act now to improve education and research in math and science if America is to retain leadership of the global economy in the 21st century.

The Mathematics and Science Consistency Act will help States to raise their standards, invest in high-quality teaching through the collection of best practices, and ensure that a world-class curriculum is available to all students. I am hopeful that my Senate colleagues from both sides of the aisle will join me today to move this legislation to the floor without delay.

By Mr. WEBB:

S. 759. A bill to prohibit the use of funds for military operations in Iran; to the Committee on Foreign Relations.

Mr. WEBB. Mr. President, I rise today to introduce legislation that will prohibit the use of funds for military operations in Iran without congressional authorization. The purpose of this legislation is to restore a proper balance between the executive and legislative branches when it comes to the commencement of military activities.

I have taken great care in the preparation of this bill to ensure it will not in any way prevent our military forces from carrying out their tactical responsibilities in places such as Iraq and in the international waters off of Iran's coast.

I want to put up a chart. These are the exceptions that are clearly outlined in this bill: The legislation allows American forces to directly respond to attacks or possible attacks that might be initiated from Iran as well as those that might be begun elsewhere and then carry over into Iranian territory; the so-called hot pursuit exception. I have also excluded operations relating to intelligence gathering.

The major function of this legislation is to prevent this administration from commencing unprovoked military activities against Iran without the approval of the Congress. The legislation accomplishes this goal through the

proper constitutional process of prohibiting all funding for such an endeavor.

Unlike the current situation in Iraq, where cutting off funds might impede or interrupt ongoing operations, this legislation denies funding that would be necessary to begin such operations against Iran in the first place.

In the past 2 weeks, we have seen a fresh willingness on the part of this administration to pursue new approaches for a regional settlement that will eventually allow the United States to withdraw our forces from Iraq and also increase stability in the Middle East. I commend Secretary of State Rice and Secretary of Defense Gates for their efforts in bringing about what seems to be the beginning of a clear and much needed course correction.

It is particularly significant that Iran and Syria have been invited to participate and that the United States will join in the upcoming regional meetings regarding Iraq. These upcoming meetings will offer many different countries the opportunity to address legitimate concerns and to emphasize mutual interests. I am hopeful it will open the door for a different kind of dialogue with Iran.

Despite its newfound level of influence in Iraq, it is not in Iran's best interest to see Iraq disintegrate into anarchy. Iran also has challenges with its own sectarian groups, not the least of which are the Kurds. Al-Qaida represents a threat to Iran as well, and it is not in Iran's interest to see this terrorist movement gain even more power. Free and open access to the Strait of Hormuz also is vital to Iran's economy given its overwhelming reliance on oil exports.

As this regional conference approaches, the rhetoric with respect to possible Iranian activities inside Iraq continues, and the increases to our naval and missile defense presence in the gulf remain. The administration's past failure to engage with Iran diplomatically in a meaningful way, coupled with what Iran could perceive as preparations for a military strike, creates a potent brew that easily could lead to miscalculation on both sides.

The 1988 incident with the USS *Vincennes* comes to mind, when an overly aggressive commanding officer, operating inside Iranian territorial waters, according to a subsequent admission by Joint Chiefs of Staff Chairman Admiral Crowe, shot down commercial passenger aircraft Iran Air Flight 655.

These circumstances—the stated desire of many connected to this administration to invade Iran, the saber-rattling rhetoric, the strategic miscalculations in Iraq—call for this Congress to formalize an historic mandate that in recent years seems to have been lost to the public's understanding. Quite simply, it is the constitutional obligation of the administration to obtain congressional approval in order to commence military action against another country, except under very limited circumstances. This is the very process our Founding Fathers envisioned.

In fact, the records from the Constitutional Convention in August 1787 make this abundantly clear. There was much debate during this convention regarding how much authority should be in the hands of the President with respect to actually initiating military action. The Convention's participants carefully decided the President should not be given the power to decide with whom this Nation should go to war or to undertake aggressive actions without the consent of Congress. The President's powers to initiate military action were to be for the purpose of repelling sudden attacks—and this is the language I have used in this legislation.

As Constitutional Convention delegate James Wilson explained to the Pennsylvania ratifying convention:

> This system will not hurry us into war, it is calculated to guard against it. It will not be in the power of a single man, or a single body of men, to involve us in such distress.

To state the obvious, Iran is not Iraq. The President has no authority to begin unilateral military operations against Iran. In this regard, I strongly urge my colleagues to consider that the issue before us is not simply policies with respect to Iran but the proper procedures with respect to how we as a government lead the United States.

This is far less a matter of possible differences between Republicans and Democrats than it is our mutual concern for protecting the rightful place of the legislative branch in determining the interests of the country and the possible consequences of further military action. In this regard, I point out that the principal sponsor of similar legislation in the other body is Congressman WALTER JONES, a Republican, from North Carolina.

On the one hand, the administration assures us it has no intention of launching military operations against Iran. On the other, the administration tells us all options remain on the table, at a time when our military buildup in the region continues to grow rapidly. While we see encouraging diplomatic initiatives with respect to Iraq, it is important that we clarify formally the perimeter of our immediate military interests in the Middle East.

It is time we move forward to end our military involvement in Iraq, and the path to doing so is not to widen the war into Iran. Proper robust diplomacy will enable us to bring greater stability to the region, to remove the American military from Iraq, to increase our ability to defeat the forces of international terrorism, and, finally, to focus on the true strategic challenges that face us around the world.

I hope my colleagues will take note of the news articles today in the media around the world that show China again has increased its defense budget by double digits last year to the tune of 18 percent. These are strategic challenges the United States is ignoring at its peril as it remains paralyzed in the Middle East.

I believe the American people will welcome this legislation. This administration has used force recklessly, choosing the military option again and again, while never matching the quality of our military's performance with robust, creative diplomacy. Furthermore, the President's signing statement accompanying the 2002 congressional resolution authorizing the use of force in Iraq indicates that this administration believes it possesses the broadest imaginable authority to commence military action without the consent of the Congress.

In signing that 2002 Iraq resolution, the President denied that the Congress has the power to affect his decisions when it comes to the use of our military. He shrugged off this resolution, stating that on the question of a threat posed by Iraq, his views and those of the Congress merely happen to be the same. He characterized the resolution as simply a gesture of additional support rather than as having any legitimate authority. He stated, and I think it is worth noting:

> My signing this resolution does not constitute any change in the President's constitutional authority to use force to deter, prevent, or respond to aggression or other threats to the United States interests.

This is a sweeping assertion of powers that leaves out virtually nothing. It is a far different matter than repelling an immediate attack or conducting a war that has been authorized by the Congress. Let us match up a couple of those words. The President is saying, for instance, he possesses the authority to use force to deter threats to U.S. interests. How does one use force to deter a threat rather than responding to it? What kind of U.S. interest is worthy of the use of force? Most importantly, how do these vague terms fit into the historically accepted notions of a Commander in Chief's power to repel attacks or to conduct military operations once they have been approved by the Congress?

During our recent hearings in the Senate Committee on Foreign Relations, I asked both the Secretary of State, and the Deputy Secretary of State during his confirmation hearings, for a clarification of this paragraph. My question was whether this administration believes it has the authority to conduct unilateral military operations against Iran in the absence of a direct attack or a compelling immediate threat, without the consent of the Congress. Both wrote me lengthy letters in reply but neither could give me a clear response.

The situation we now face is that the administration repeatedly states it seeks no war with Iran at the same time it claims the authority to begin one, and at the same time it continues a military buildup in the region. The legislation I introduce today is intended to clarify this ambiguity. In so doing, the Congress will be properly restating its constitutional relationship

with the executive branch, the Congress will be reinstituting its historical role as it relates to the conduct of foreign policy, and the Congress will be reassuring the American people that there will be no more shooting from the hip when it comes to the gravely serious question of when we send our military people into harm's way.

I emphasize that this bill will not take any military operations off the table nor will it tie the hands of the administration if our military forces are actually attacked from Iranian soil or its territorial waters or by forces that retreat into Iranian territory. Nor does this legislation let Iran off the hook in terms of our insistence that Iran become a more responsible nation, including our positions regarding Iran's nuclear program and Iran's recognition of Israel's right to exist.

I was one of the early voices warning that in terms of national security Iran was a far greater threat than Iraq. This was one of the reasons I opposed the invasion of Iraq in the first place. All of the options regarding Iran remain on the table. The question is in what context these options should be debated, alongside other options designed to eventually open Iran and bring it responsibly into the world community. In my view, and in terms of the constitutional process, absent a direct attack or a clearly imminent threat, the place for that debate is here in the open forum of the Congress and not in some closed-door meeting at the White House.

It is my hope we can take up this necessary legislation either in the format in which I have introduced it today or as an amendment to the 2007 supplemental appropriations bill, which we will consider in the next few weeks. I look forward to working with my colleagues on both sides of the aisle, and I would welcome their support.

By Mr. REID (for himself, Mr. MCCONNELL, Mr. BINGAMAN, Mr. DOMENICI, Mr. INOUYE, Mr. STEVENS, Mr. KENNEDY. Mr. ENZI, Mr. LIEBERMAN, Mr. ENSIGN, Ms. MIKULSKI, Mr. ALEXANDER, Mr. NELSON of Florida, Mrs. HUTCHISON, Mr. KERRY, Mr. SMITH, Mr. MENENDEZ, Mr. ROBERTS, Mr. SALAZAR, Mr. CORNYN, Mr. PRYOR, Mr. COLEMAN, Ms. CANTWELL, Mr. MARTINEZ, Mr. CARPER, Ms. MURKOWSKI, Mrs. CLINTON, Mr. CRAIG, Mr. KOHL, Mr. LUGAR, Mr. BROWN, Mr. VOINOVICH, Mr. ROCKEFELLER, Mr. WARNER, Ms. LANDRIEU, and Mr. OBAMA):

S. 761. A bill to invest in innovation and education to improve the competitiveness of the United States in the global economy; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 761

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 ''America COMPETES Act'' or the ''America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Act''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into 4 divisions as follows:

(1) DIVISION A.—Commerce and Science.

(2) DIVISION B.—Department of Energy.

(3) DIVISION C.—Education.

(4) DIVISION D.—National Science Foundation.

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

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—COMMERCE AND SCIENCE

Sec. 1001. Short title.

TITLE I—OFFICE OF SCIENCE AND TECHNOLOGY POLICY; GOVERNMENT-WIDE SCIENCE

Sec. 1101. National Science and Technology Summit.
Sec. 1102. Study on barriers to innovation.
Sec. 1103. National Innovation Medal.
Sec. 1104. Release of scientific research results.
Sec. 1105. Semiannual Science, Technology, Engineering, and Mathematics Days.
Sec. 1106. Study of service science.

TITLE II—INNOVATION PROMOTION

Sec. 1201. President's Council on Innovation and Competitiveness.
Sec. 1202. Innovation acceleration research.

TITLE III—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Sec. 1301. NASA's contribution to innovation.
Sec. 1302. Aeronautics Institute for Research.
Sec. 1303. Basic research enhancement.
Sec. 1304. Aging workforce issues program.
Sec. 1305. Conforming amendments.
Sec. 1306. Fiscal year 2008 basic science and research funding.

TITLE IV—NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

Sec. 1401. Authorization of appropriations.
Sec. 1402. Amendments to the Stevenson-Wydler Technology Innovation Act of 1980.
Sec. 1403. Innovation acceleration.
Sec. 1404. Manufacturing extension.
Sec. 1405. Experimental Program to Stimulate Competitive Technology.
Sec. 1406. Technical amendments to the National Institute of Standards and Technology Act and other technical amendments.

TITLE V—OCEAN AND ATMOSPHERIC PROGRAMS

Sec. 1501. Ocean and atmospheric research and development program.
Sec. 1502. NOAA ocean and atmospheric science education programs.

DIVISION B—DEPARTMENT OF ENERGY

Sec. 2001. Short title.
Sec. 2002. Definitions.
Sec. 2003. Mathematics, science, and engineering education at the Department of Energy.
Sec. 2004. Department of Energy early-career research grants.
Sec. 2005. Advanced Research Projects Authority-Energy.
Sec. 2006. Authorization of appropriations for the Department of Energy for basic research.
Sec. 2007. Discovery science and engineering innovation institutes.
Sec. 2008. Protecting America's Competitive Edge (PACE) graduate fellowship program.
Sec. 2009. Title IX compliance.
Sec. 2010. High-risk, high-reward research.
Sec. 2011. Distinguished scientist program.

DIVISION C—EDUCATION

Sec. 3001. Findings.
Sec. 3002. Definitions.

TITLE I—TEACHER ASSISTANCE

Subtitle A—Teachers for a Competitive Tomorrow

Sec. 3111. Purpose.
Sec. 3112. Definitions.
Sec. 3113. Programs for baccalaureate degrees in mathematics, science, engineering, or critical foreign languages, with concurrent teacher certification.
Sec. 3114. Programs for master's degrees in mathematics, science, or critical foreign languages education.
Sec. 3115. General provisions.
Sec. 3116. Authorization of appropriations.

Subtitle B—Advanced Placement and International Baccalaureate Programs

Sec. 3121. Purpose.
Sec. 3122. Definitions.
Sec. 3123. Advanced Placement and International Baccalaureate programs.

TITLE II—MATH NOW

Sec. 3201. Math Now for elementary school and middle school students program.

TITLE III—FOREIGN LANGUAGE PARTNERSHIP PROGRAM

Sec. 3301. Findings and purpose.
Sec. 3302. Definitions.
Sec. 3303. Program authorized.
Sec. 3304. Authorization of appropriations.

TITLE IV—ALIGNMENT OF EDUCATION PROGRAMS

Sec. 3401. Alignment of secondary school graduation requirements with the demands of 21st century postsecondary endeavors and support for P–16 education data systems.

DIVISION D—NATIONAL SCIENCE FOUNDATION

Sec. 4001. Authorization of appropriations.
Sec. 4002. Strengthening of education and human resources directorate through equitable distribution of new funds.
Sec. 4003. Graduate fellowships and graduate traineeships.
Sec. 4004. Professional science master's degree programs.
Sec. 4005. Increased support for science education through the National Science Foundation.
Sec. 4006. Meeting critical national science needs.
Sec. 4007. Reaffirmation of the merit-review process of the National Science Foundation.
Sec. 4008. Experimental Program to Stimulate Competitive Research.
Sec. 4009. Encouraging participation.
Sec. 4010. Cyberinfrastructure.
Sec. 4011. Federal information and communications technology research.
Sec. 4012. Robert Noyce Teacher Scholarship Program.
Sec. 4013. Sense of the Senate regarding the mathematics and science partnership programs of the Department of Education and the National Science Foundation.

Sec. 4014. National Science Foundation teacher institutes for the 21st century.

DIVISION A—COMMERCE AND SCIENCE

SEC. 1001. SHORT TITLE.

This division may be cited as the ''American Innovation and Competitiveness Act''.

TITLE I—OFFICE OF SCIENCE AND TECHNOLOGY POLICY; GOVERNMENT-WIDE SCIENCE

SEC. 1101. NATIONAL SCIENCE AND TECHNOLOGY SUMMIT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the President shall convene a National Science and Technology Summit to examine the health and direction of the United States' science and technology enterprises. The Summit shall include representatives of industry, small business, labor, academia, State government, Federal research and development agencies, non-profit environmental and energy policy groups concerned with science and technology issues, and other nongovernmental organizations.

(b) REPORT.—Not later than 90 days after the date of the conclusion of the Summit, the President shall issue a report on the results of the Summit. The report shall identify key research and technology challenges and recommendations for areas of investment for Federal research and technology programs to be carried out during the 5-year period beginning on the date the report is issued.

(c) ANNUAL EVALUATION.—Beginning in 2008, the Director of the Office of Science and Technology Policy shall publish and submit to Congress an annual report that contains recommendations for areas of investment for Federal research and technology programs, including a justification for each area identified in the report. Each report submitted during the 5-year period beginning on the date of the conclusion of the Summit shall take into account any recommendations made by the Summit.

SEC. 1102. STUDY ON BARRIERS TO INNOVATION.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall enter into a contract with the National Academy of Sciences to conduct and complete a study to identify, and to review methods to mitigate, new forms of risk for businesses beyond conventional operational and financial risk that affect the ability to innovate, including studying and reviewing—

(1) incentive and compensation structures that could effectively encourage long-term value creation and innovation;

(2) methods of voluntary and supplemental disclosure by industry of intellectual capital, innovation performance, and indicators of future valuation;

(3) means by which government could work with industry to enhance the legal and regulatory framework to encourage the disclosures described in paragraph (2);

(4) practices that may be significant deterrents to United States businesses engaging in innovation risk-taking compared to foreign competitors;

(5) costs faced by United States businesses engaging in innovation compared to foreign competitors, including the burden placed on businesses by high and rising health care costs;

(6) means by which industry, trade associations, and universities could collaborate to support research on management practices and methodologies for assessing the value and risks of longer term innovation strategies;

(7) means to encourage new, open, and collaborative dialogue between industry associations, regulatory authorities, management, shareholders, labor, and other concerned interests to encourage appropriate approaches to innovation risk-taking;

(8) incentives to encourage participation among institutions of higher education, especially those in rural and underserved areas, to engage in innovation;

(9) relevant Federal regulations that may discourage or encourage innovation;

(10) the extent to which Federal funding promotes or hinders innovation; and

(11) the extent to which individuals are being equipped with the knowledge and skills necessary for success in the 21st century workforce, as measured by—

(A) elementary school and secondary school student academic achievement on the State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 (b)(3)), especially in mathematics, science, and reading;

(B) the rate of student entrance into institutions of higher education by type of institution, and barriers to access to institutions of higher education;

(C) the rates of—

(i) students successfully completing post-secondary education programs; and

(ii) certificates, associate degrees, and baccalaureate degrees awarded in the fields of science, technology, engineering, and mathematics; and

(D) access to, and availability of, high quality job training programs.

(b) REPORT REQUIRED.—Not later than 1 year after entering into the contract required by subsection (a) and 4 years after entering into such contract, the National Academy of Sciences shall submit to Congress a report on the study conducted under such subsection.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Academy of Sciences $1,000,000 for fiscal year 2008 for the purpose of carrying out the study required under this section.

SEC. 1103. NATIONAL INNOVATION MEDAL.

Section 16 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711) is amended—

(1) by striking the section heading and inserting ''**SEC. 16. NATIONAL TECHNOLOGY AND INNOVATION MEDAL.**''; and

(2) in subsection (a), by striking ''Technology Medal'' and inserting ''Technology and Innovation Medal''.

SEC. 1104. RELEASE OF SCIENTIFIC RESEARCH RESULTS.

(a) PRINCIPLES.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy, in consultation with the Director of the Office of Management and Budget and the heads of all Federal civilian agencies that conduct scientific research, shall develop and issue an overarching set of principles to ensure the communication and open exchange of data and results to other agencies, policymakers, and the public of research conducted by a scientist employed by a Federal civilian agency and to prevent the intentional or unintentional suppression or distortion of such research findings. The principles shall encourage the open exchange of data and results of research undertaken by a scientist employed by such an agency and shall be consistent with existing Federal laws, including chapter 18 of title 35, United States Code (commonly known as the ''Bayh-Dole Act'').

(b) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall ensure that all civilian Federal agencies that conduct scientific research develop specific policies and procedures regarding the public release of data and results of research conducted by a scientist employed by such an agency consistent with the principles established under subsection (a). Such polices and procedures shall—

(1) specifically address what is and what is not permitted or recommended under such policies and procedures;

(2) be specifically designed for each such agency;

(3) be applied uniformly throughout each such agency; and

(4) be widely communicated and readily accessible to all employees of each such agency and the public.

SEC. 1105. SEMIANNUAL SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS DAYS.

It is the sense of Congress that the Director of the Office of Science and Technology Policy should—

(1) encourage all elementary and middle schools to observe a Science, Technology, Engineering, and Mathematics Day twice in every school year for the purpose of bringing in science, technology, engineering, and mathematics mentors to provide hands-on lessons to excite and inspire students to pursue the science, technology, engineering, and mathematics fields (including continuing education and career paths);

(2) initiate a program, in consultation with Federal agencies and departments, to provide support systems, tools (from existing outreach offices), and mechanisms to allow and encourage Federal employees with scientific, technological, engineering, or mathematical responsibilities to reach out to local classrooms on such Science, Technology, Engineering, and Mathematics Days to instruct and inspire school children, focusing on real life science, technology, engineering, and mathematics-related applicable experiences along with hands-on demonstrations in order to demonstrate the advantages and direct applications of studying the science, technology, engineering, and mathematics fields; and

(3) promote Science, Technology, Engineering, and Mathematics Days involvement by private sector and institutions of higher education employees in a manner similar to the Federal employee involvement described in paragraph (2).

SEC. 1106. STUDY OF SERVICE SCIENCE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, in order to strengthen the competitiveness of United States enterprises and institutions and to prepare the people of the United States for high-wage, high-skill employment, the Federal Government should better understand and respond strategically to the emerging management and learning discipline known as service science.

(b) STUDY.—Not later than 270 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy, through the National Academy of Sciences, shall conduct a study and report to Congress regarding how the Federal Government should support, through research, education, and training, the emerging management and learning discipline known as service science.

(c) OUTSIDE RESOURCES.—In conducting the study under subsection (b), the National Academy of Sciences shall consult with leaders from 2- and 4-year institutions of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), leaders from corporations, and other relevant parties.

(d) SERVICE SCIENCE DEFINED.—In this section, the term ''service science'' means curricula, training, and research programs that

are designed to teach individuals to apply scientific, engineering, and management disciplines that integrate elements of computer science, operations research, industrial engineering, business strategy, management sciences, and social and legal sciences, in order to encourage innovation in how organizations create value for customers and shareholders that could not be achieved through such disciplines working in isolation.

TITLE II—INNOVATION PROMOTION

SEC. 1201. PRESIDENT'S COUNCIL ON INNOVATION AND COMPETITIVENESS.

(a) IN GENERAL.—The President shall establish a President's Council on Innovation and Competitiveness.

(b) DUTIES.—The Council's duties shall include—

(1) monitoring implementation of public laws and initiatives for promoting innovation, including policies related to research funding, taxation, immigration, trade, and education that are proposed in this Act or in any other Act;

(2) providing advice to the President with respect to global trends in competitiveness and innovation and allocation of Federal resources in education, job training, and technology research and development considering such global trends in competitiveness and innovation;

(3) in consultation with the Director of the Office of Management and Budget, developing a process for using metrics to assess the impact of existing and proposed policies and rules that affect innovation capabilities in the United States;

(4) identifying opportunities and making recommendations for the heads of executive agencies to improve innovation, monitoring, and reporting on the implementation of such recommendations;

(5) developing metrics for measuring the progress of the Federal Government with respect to improving conditions for innovation, including through talent development, investment, and infrastructure improvements; and

(6) submitting to the President and Congress an annual report on such progress.

(c) MEMBERSHIP AND COORDINATION.—

(1) MEMBERSHIP.—The Council shall be composed of the Secretary or head of each of the following:

(A) The Department of Commerce.

(B) The Department of Defense.

(C) The Department of Education.

(D) The Department of Energy.

(E) The Department of Health and Human Services.

(F) The Department of Homeland Security.

(G) The Department of Labor.

(H) The Department of the Treasury.

(I) The National Aeronautics and Space Administration.

(J) The Securities and Exchange Commission.

(K) The National Science Foundation.

(L) The Office of the United States Trade Representative.

(M) The Office of Management and Budget.

(N) The Office of Science and Technology Policy.

(O) The Environmental Protection Agency.

(P) Any other department or agency designated by the President.

(2) CHAIRPERSON.—The Secretary of Commerce shall serve as Chairperson of the Council.

(3) COORDINATION.—The Chairperson of the Council shall ensure appropriate coordination between the Council and the National Economic Council, the National Security Council, and the National Science and Technology Council.

(4) MEETINGS.—The Council shall meet on a semi-annual basis at the call of the Chairperson and the initial meeting of the Council shall occur not later than 6 months after the date of enactment of this Act.

(d) DEVELOPMENT OF INNOVATION AGENDA.—

(1) IN GENERAL.—The Council shall develop a comprehensive agenda for strengthening the innovation and competitiveness capabilities of the Federal Government, State governments, academia, and the private sector in the United States.

(2) CONTENTS.—The comprehensive agenda required by paragraph (1) shall include the following:

(A) An assessment of current strengths and weaknesses of the United States investment in research and development.

(B) Recommendations for addressing weaknesses and maintaining the United States as a world leader in research and development and technological innovation.

(C) Recommendations for strengthening the innovation and competitiveness capabilities of the Federal government, State governments, academia, and the private sector in the United States.

(3) ADVISORS.—

(A) RECOMMENDATION.—Not later than 30 days after the date of enactment of this Act, the National Academy of Sciences, in consultation with the National Academy of Engineering, the Institute of Medicine, and the National Research Council, shall develop and submit to the President a list of 50 individuals that are recommended to serve as advisors to the Council during the development of the comprehensive agenda required by paragraph (1). The list of advisors shall include appropriate representatives from the following:

(i) The private sector of the economy.

(ii) Labor.

(iii) Various fields including information technology, energy, engineering, high-technology manufacturing, health care, and education.

(iv) Scientific organizations.

(v) Academic organizations and other nongovernmental organizations working in the area of science or technology.

(B) DESIGNATION.—Not later than 30 days after the date that the National Academy of Sciences submits the list of recommended individuals to serve as advisors, the President shall designate 50 individuals to serve as advisors to the Council.

(C) REQUIREMENT TO CONSULT.—The Council shall develop the comprehensive agenda required by paragraph (1) in consultation with the advisors.

(4) INITIAL SUBMISSION AND UPDATES.—

(A) INITIAL SUBMISSION.—Not later than 1 year after the date of enactment of this Act, the Council shall submit to Congress and the President the comprehensive agenda required by paragraph (1).

(B) UPDATES.—At least once every 2 years, the Council shall update the comprehensive agenda required by paragraph (1) and submit each such update to Congress and the President.

(e) TECHNICAL AMENDMENT.—Section 101(b) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(b)) is amended by striking ''an'' in the first sentence and inserting ''a distinct''.

(f) OPTIONAL ASSIGNMENT.—Notwithstanding subsection (a) and paragraphs (1) and (2) of subsection (c), the President may designate an existing council to carry out the requirements of this section.

SEC. 1202. INNOVATION ACCELERATION RESEARCH.

(a) PROGRAM ESTABLISHED.—The President, through the head of each Federal research agency, shall establish a program, to be known as the Innovation Acceleration Research Program, to support and promote innovation in the United States through research projects that can yield results with far-ranging or wide-ranging implications but are considered too novel or span too diverse a range of disciplines to fare well in the traditional peer review process. Priority in the awarding of grants under this program shall be given to research projects that—

(1) meet fundamental technology or scientific challenges;

(2) involve multidisciplinary work; and

(3) involve a high degree of novelty.

(b) DEPARTMENTS AND AGENCIES.—

(1) FUNDING GOALS.—The President shall ensure that it is the goal of each Executive agency (as defined in section 105 of title 5, United States Code) that finances research in science, mathematics, engineering, and technology to allocate approximately 8 percent of the agency's total annual research and development budget to funding research, including grants, under the Innovation Acceleration Research Program.

(2) ADMINISTRATION.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the head of each Executive agency participating in the Innovation Acceleration Research Program under paragraph (1) shall submit to the Director of the Office of Science and Technology Policy and the Director of the Office of Management and Budget a plan for implementing the research program within such Executive agency. An implementation plan may incorporate existing initiatives of the Executive agencies that promote research in innovation as described in subsection (a).

(B) REQUIRED METRICS.—

(i) IN GENERAL.—The head of each Executive agency submitting an implementation plan pursuant to subparagraph (A) shall include metrics upon which grant funding decisions will be made and metrics for assessing the success of the grants awarded.

(ii) METRICS FOR BASIC RESEARCH.—The metrics developed under clause (i) to assess basic research programs shall assess management of the programs and shall not assess specific scientific outcomes of the research conducted by the programs.

(C) GRANT DURATION AND RENEWALS.—

(i) IN GENERAL.—Any grants issued by an Executive agency under this section shall be for a period not to exceed 3 years.

(ii) EVALUATION.—Not later than 90 days prior to the expiration of a grant issued under this section, the Executive agency that approved the grant shall complete an evaluation of the effectiveness of the grant based on the metrics established pursuant to subparagraph (B). In its evaluation, the Executive agency shall consider the extent to which the program funded by the grant met the goals of quality improvement and job creation.

(iii) PUBLICATION OF REVIEW.—The Executive agency shall publish and make available to the public the review of each grant approved pursuant to this section.

(iv) FAILURE TO MEET METRICS.—Any grant that the Executive agency awarding the grant determines has failed to satisfy any of the metrics developed pursuant to subparagraph (B), shall not be eligible for a renewal.

(v) RENEWAL.—A grant issued under this section that satisfies all of the metrics developed pursuant to subparagraph (B), may be renewed once for a period of not more than 3 years. Additional renewals may be considered only if the head of the Executive agency makes a specific finding that the program being funded involves a significant technology or scientific advance that requires a longer time frame to complete critical research, and the research satisfies all the metrics developed pursuant to subparagraph (B).

(vi) WAIVER.—The head of the Executive agency may authorize a waiver of the requirement of clauses (iv) and (v) related to satisfying metric requirements if he or she determines that the grant failed to meet a small number of metrics and the failure was not significant for the overall performance of the grant.

(c) DEFINITIONS.—In this section:

(1) FEDERAL RESEARCH AGENCY.—The term ''Federal research agency'' means a major organizational component of a department or agency of the Federal Government, or other establishment of the Federal Government operating with appropriated funds, that has as its primary purpose the performance of scientific research.

(2) MAJOR ORGANIZATIONAL COMPONENT.—The term ''major organizational component'', with respect to a department, agency, or other establishment of the Federal Government, means a component of the department, agency, or other establishment that is administered by an individual whose rate of basic pay is not less than the rate of basic pay payable under level V of the Executive Schedule under section 5316 of title 5, United States Code.

TITLE III—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 1301. NASA'S CONTRIBUTION TO INNOVATION.

(a) PARTICIPATION IN INTERAGENCY ACTIVITIES.—The National Aeronautics and Space Administration shall be a full participant in any interagency effort to promote innovation and economic competitiveness through near-term and long-term basic scientific research and development and the promotion of science, technology, engineering, and mathematics education.

(b) HISTORIC FOUNDATION.—In order to carry out the participation described in subsection (a), the Administrator of the National Aeronautics and Space Administration shall build on the historic role of the National Aeronautics and Space Administration in stimulating excellence in the advancement of physical science and engineering disciplines and in providing opportunities and incentives for the pursuit of academic studies in science, technology, engineering, and mathematics.

(c) BALANCED SCIENCE PROGRAM AND ROBUST AUTHORIZATION LEVELS.—The balanced science program authorized by section 101(d) of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16611) shall be an element of the contribution by the National Aeronautics and Space Administration to such interagency programs. It is the sense of Congress that a robust National Aeronautics and Space Administration, funded at the levels authorized for fiscal years 2007 and 2008 under sections 202 and 203 of such Act (42 U.S.C. 16631 and 16632) and at appropriate levels in subsequent fiscal years would enable a fair balance among science, aeronautics, education, exploration, and human space flight programs and allow full participation in any interagency efforts to promote innovation and economic competitiveness.

(d) ANNUAL REPORT.—

(1) REQUIREMENT.—The Administrator shall submit to Congress and the President an annual report describing the activities conducted pursuant to this section, including a description of the goals and the objective metrics upon which funding decisions were made.

(2) CONTENT.—Each report submitted pursuant to paragraph (1) shall include, with regard to science, technology, engineering, and mathematics education programs, at a minimum, the following:

(A) A description of each program.

(B) The amount spent on each program.

(C) The number of students or teachers served by each program.

(D) Measurement of how each program improved student achievement, including with regard to challenging State achievement standards.

SEC. 1302. AERONAUTICS INSTITUTE FOR RESEARCH.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Administrator of the National Aeronautics and Space Administration shall establish within the Administration an Aeronautics Institute for Research for the purpose of managing the aeronautics research carried out by the Administration.

(2) DIRECTOR.—The Institute shall be headed by a Director with appropriate experience in aeronautics research and development.

(b) DUTIES.—The Institute shall implement the programs authorized under title IV of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16701 et seq.).

(c) COOPERATION WITH OTHER AGENCIES.—

(1) IN GENERAL.—The Institute shall operate in conjunction with relevant programs in the Department of Transportation, the Department of Defense, the Department of Commerce, and the Department of Homeland Security, including the activities of the Joint Planning and Development Office established under the Vision 100—Century of Aviation Reauthorization Act (Public Law 108–176; 117 Stat. 2490).

(2) RESOURCES.—The Director of the Institute may accept assistance, staff, and funding from those Departments and other Federal agencies. Any such funding shall be in addition to funds authorized for aeronautics under the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155).

(3) OTHER COORDINATION.—The Director of the Institute may utilize the Next Generation Air Transportation Senior Policy Committee established under section 710 of the Vision 100—Century of Aviation Reauthorization Act (Public Law 108–176; 49 U.S.C. 40101 note) to coordinate its programs with other Departments and agencies.

(d) PARTNERSHIPS.—In developing and carrying out its plans, the Institute shall consult with the public and ensure the participation of experts from the private sector including representatives of commercial aviation, general aviation, aviation labor groups, aviation research and development entities, aircraft and air traffic control suppliers, and the space industry.

SEC. 1303. BASIC RESEARCH ENHANCEMENT.

(a) IN GENERAL.—The Administrator of the National Aeronautics and Space Administration, the Director of the National Science Foundation, the Secretary of Energy, the Secretary of Defense, and Secretary of Commerce shall, to the extent practicable, coordinate basic and fundamental research activities related to physical sciences, technology, engineering and mathematics.

(b) ESTABLISHMENT OF BASIC RESEARCH EXECUTIVE COUNCIL.—In order to ensure effective application of resources to basic science activity and to facilitate cooperative basic and fundamental research activities with other governmental organizations, the Administrator of the National Aeronautics and Space Administration shall establish within the Administration a Basic Research Executive Council to oversee the distribution and management of programs and resources engaged in support of basic research activity.

(c) MEMBERSHIP.—The membership of the Basic Research Executive Council shall consist of the most senior agency official representing each of the following areas of research:

(1) Space Science.

(2) Earth Science.

(3) Life and Microgravity Sciences.

(4) Aeronautical Research.

(d) LEADERSHIP.—The Basic Research Executive Council shall be chaired by an individual appointed for that purpose who shall have, as a minimum, a appropriate graduate degree in a recognizable discipline in the physical sciences, and appropriate experience in the conduct and management of basic research activity. The Chairman of the Council shall report directly to the Administrator of the National Aeronautics and Space Administration.

(e) SUPPORTING RESOURCES AND PERSONNEL.—The Chairman of the Basic Research Executive Council shall be provided with adequate administrative staff support to conduct the activity and functions of the Council.

(f) DUTIES.—The Basic Research Executive Council shall have, at minimum, the following duties:

(1) To establish criteria for the identification of research activity as basic in nature.

(2) To establish, in consultation with the Office of Science and Technology Policy, the National Science Foundation, the National Academy of Sciences, the National Institutes of Health, and other appropriate external organizations, a prioritization of fundamental research activity to be conducted by the National Aeronautics and Space Administration, to be reviewed and updated on an annual basis, taking into consideration evolving national research priorities.

(3) To monitor, review, and evaluate all basic research activity of the National Aeronautics and Space Administration for compliance with basic research priorities established under paragraph (2).

(4) To make recommendations to the Administrator of the National Aeronautics and Space Administration regarding adjustments in the basic research activities of the Administration to ensure consistency with the research priorities established under this section.

(5) To provide an annual report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives outlining the activities of the Council during the preceding year and the status of basic research activity within the Administration. The initial such report, to serve as a baseline document, shall be provided within 90 days after the establishment and initial operations of the Council.

SEC. 1304. AGING WORKFORCE ISSUES PROGRAM.

It is the sense of Congress that the Administrator of the National Aeronautics and Space Administration should implement a program to address aging work force issues in aerospace that—

(1) documents technical and management experiences before senior people leave the Administration, including—

(A) documenting lessons learned;

(B) briefing organizations;

(C) providing opportunities for archiving lessons in a database; and

(D) providing opportunities for near-term retirees to transition out early from their primary assignment in order to document their career lessons learned and brief new employees prior to their separation from the Administration;

(2) provides incentives for retirees to return and teach new employees about their career lessons and experiences; and

(3) provides for the development of an award to recognize and reward outstanding senior employees for their contributions to knowledge sharing.

SEC. 1305. CONFORMING AMENDMENTS.

Section 101(d) of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16611(d)) is amended—

(1) by striking ''and'' after the semicolon in paragraph (2)(B);

(2) by striking ''Act.'' in paragraph (2)(C) and inserting ''Act; and'';

(3) by adding at the end of paragraph (2) the following:

''(D) the number and content of science activities which are undertaken in support of science missions described in subparagraph (A), and the number and content of science activities which may be considered as fundamental, or basic research, whether incorporated within specific missions or conducted independently of any specific mission.''; and

(4) by adding at the end of paragraph (3) the following:

''(H) How NASA science activities can best be structured to ensure that basic and fundamental research can be effectively maintained and coordinated in response to national goals in competitiveness and innovation, and in contributing to national scientific, technology, engineering and mathematics leadership.''.

SEC. 1306. FISCAL YEAR 2008 BASIC SCIENCE AND RESEARCH FUNDING.

Notwithstanding any other provision of law, the Administrator of the National Aeronautics and Space Administration shall increase funding for basic science and research, including for the Explorer Program, for fiscal year 2008 by $160,000,000 by transferring such amount for such purpose from accounts of the National Aeronautics and Space Administration. The transfer shall be contingent upon the availability of unobligated balances to the National Aeronautics and Space Administration.

TITLE IV—NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SEC. 1401. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for the use of the National Institute of Standards and Technology—

(1) for fiscal year 2008, $703,611,000, of which $115,000,000 shall be used for the Hollings Manufacturing Extension Partnership Program;

(2) for fiscal year 2009, $773,972,000, of which $120,000,000 shall be used for the Hollings Manufacturing Extension Partnership Program;

(3) for fiscal year 2010, $851,369,000, of which $125,000,000 shall be used for the Hollings Manufacturing Extension Partnership Program; and

(4) for fiscal year 2011, $936,506,000, of which $130,000,000 shall be used for the Hollings Manufacturing Extension Partnership Program.

SEC. 1402. AMENDMENTS TO THE STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980.

(a) IN GENERAL.—Section 5 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3704) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) TITLE 5, UNITED STATES CODE.—Section 5314 of title 5, United States Code, is amended by striking ''Under Secretary of Commerce for Technology.''.

(2) DEFINITIONS.—Section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703) is amended—

(A) by striking paragraphs (1) and (3); and

(B) by redesignating paragraphs (2) through (13) as paragraphs (1) through (11), respectively.

(3) REPEAL OF AUTHORIZATION.—Section 21(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3713(a)) is amended—

(A) in paragraph (1), by striking ''sections 5, 11(g), and 16'' and inserting ''sections 11(g) and 16''; and

(B) in paragraph (2), by striking ''$500,000 is authorized only for the purpose of carrying out the requirements of the Japanese technical literature program established under section 5(d) of this Act;''.

(4) HIGH-PERFORMANCE COMPUTING ACT OF 1991.—Section 208 of the High-Performance Computing Act of 1991 (15 U.S.C. 5528) is amended by striking subsection (c) and redesignating subsection (d) as subsection (c).

(5) ASSISTIVE TECHNOLOGY ACT OF 1998.—Section 6(b)(4)(B)(v) of the Assistive Technology Act of 1998 (29 U.S.C. 3005(b)(4)(B)(v)) is amended by striking ''the Technology Administration of the Department of Commerce,'' and inserting ''the National Institute of Standards and Technology,''.

SEC. 1403. INNOVATION ACCELERATION.

(a) PROGRAM.—In order to implement section 1202 of this Act, the Director of the National Institute of Standards and Technology shall—

(1) establish a program linked to the goals and objectives of the measurement laboratories, to be known as the ''Standards and Technology Acceleration Research Program'', to support and promote innovation in the United States through high-risk, high-reward research; and

(2) set aside, from funds available to the measurement laboratories, an amount equal to not less than 8 percent of the funds available to the Institute each fiscal year for such Program.

(b) EXTERNAL FUNDING.—The Director shall ensure that at least 80 percent of the funds available for such Program shall be used to award competitive, merit-reviewed grants, cooperative agreements, or contracts to public or private entities, including businesses and universities. In selecting entities to receive such assistance, the Director shall ensure that the project proposed by an entity has scientific and technical merit and that any resulting intellectual property shall vest in a United States entity that can commercialize the technology in a timely manner. Each external project shall involve at least one small or medium-sized business and the Director shall give priority to joint ventures between small or medium-sized businesses and educational institutions. Any grant shall be for a period not to exceed 3 years.

(c) COMPETITIONS.—The Director shall solicit proposals annually to address areas of national need for high-risk, high-reward research, as identified by the Director.

(d) ANNUAL REPORT.—Each year the Director shall issue an annual report describing the program's activities, including include a description of the metrics upon which grant funding decisions were made in the previous fiscal year, any proposed changes to those metrics, metrics for evaluating the success of ongoing and completed grants, and an evaluation of ongoing and completed grants. The first annual report shall include best practices for management of programs to stimulate high-risk, high-reward research.

(e) ADMINISTRATIVE EXPENSES.—No more than 5 percent of the finding available to the program may be used for administrative expenses.

(f) HIGH-RISK, HIGH-REWARD RESEARCH DEFINED.—In this section, the term ''high-risk, high-reward research'' means research that—

(1) has the potential for yielding results with far-ranging or wide-ranging implications;

(2) addresses critical national needs related to measurement standards and technology; and

(3) is too novel or spans too diverse a range of disciplines to fare well in the traditional peer review process.

SEC. 1404. MANUFACTURING EXTENSION.

(a) MANUFACTURING CENTER EVALUATION.—Section 25(c)(5) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)(5)) is amended by inserting ''A Center that has not received a positive evaluation by the evaluation panel shall be notified by the panel of the deficiencies in its performance and shall be placed on probation for one year, after which time the panel shall re-evaluate the Center. If the Center has not addressed the deficiencies identified by the panel, or shown a significant improvement in its performance, the Director shall conduct a new competition to select an operator for the Center or may close the Center.'' after ''at declining levels.''.

(b) FEDERAL SHARE.—Section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k) is amended by striking subsection (d) and inserting the following:

''(d) ACCEPTANCE OF FUNDS.—In addition to such sums as may be appropriated to the Secretary and Director to operate the Centers program, the Secretary and Director also may accept funds from other Federal departments and agencies and under section 2(c)(7) from the private sector for the purpose of strengthening United States manufacturing. Such funds from the private sector, if allocated to a Center or Centers, shall not be considered in the calculation of the Federal share of capital and annual operating and maintenance costs under subsection (c).''.

SEC. 1405. EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE TECHNOLOGY.

(a) IN GENERAL.—The Director of the National Institutes of Standards and Technology shall re-establish the Experimental Program to Stimulate Competitive Technology. The purpose of the program shall be to strengthen the technological competitiveness of those States that have historically received less Federal research and development funds than a majority of the States have received.

(b) ARRANGEMENTS.—In carrying out the program, the Director shall cooperate with State, regional, or local science and technology-based economic development organization and with representatives of small business firms and other appropriate technology-based businesses.

(c) GRANTS AND COOPERATIVE AGREEMENTS.—In carrying out the program, the Director may make grants or enter into cooperative agreements to provide for—

(1) technology research and development;

(2) technology transfer from university research;

(3) technology deployment and diffusion; and

(4) the strengthening of technological and innovation capabilities through consortia comprised of—

(A) technology-based small business firms;

(B) industries and emerging companies;

(C) institutions of higher education including community colleges; and

(D) State and local development agencies and entities.

(d) REQUIREMENTS FOR MAKING AWARDS.—

(1) IN GENERAL.—In making awards under this section, the Director shall ensure that the awards are awarded on a competitive basis that includes a review of the merits of the activities that are the subject of the award, giving special emphasis to those projects which will increase the participation of women, Native Americans (including Native Hawaiians and Alaska Natives), and underrepresented groups in science and technology.

(2) MATCHING REQUIREMENT.—The non-Federal share of the activities (other than planning activities) carried out under an award under this subsection shall be not less than 50 percent of the cost of those activities.

(e) CRITERIA FOR STATES.—The Director shall establish criteria for achievement by each State that participates in the program. Upon the achievement of all such criteria, a State shall cease to be eligible to participate in the program.

(f) COORDINATION.—To the extent practicable, in carrying out this subsection, the Director shall coordinate the program with other programs of the Department of Commerce.

(g) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director shall prepare and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives a report that meets the requirements of this subsection.

(2) REQUIREMENTS FOR REPORT.—The report required by this subsection shall contain—

(A) a description of the structure and procedures of the program;

(B) a management plan for the program;

(C) a description of the merit-based review process to be used in the program;

(D) milestones for the evaluation of activities to be assisted under the program in fiscal year 2008;

(E) an assessment of the eligibility of each State that participates in the Experimental Program to Stimulate Competitive Research of the National Science Foundation to participate in the program under this subsection; and

(F) the evaluation criteria with respect to which the overall management and effectiveness of the program will be evaluated.

SEC. 1406. TECHNICAL AMENDMENTS TO THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT AND OTHER TECHNICAL AMENDMENTS.

(a) RESEARCH FELLOWSHIPS.—Section 18 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–1) is amended by striking ''up to 1 per centum of the'' in the first sentence.

(b) FINANCIAL AGREEMENTS.—

(1) CLARIFICATION.—Section 2(b)(4) of the National Institute of Standards and Technology Act (15 U.S.C. 272(b)(4)) is amended by inserting ''and grants and cooperative agreements,'' after ''arrangements,''.

(2) MEMBERSHIPS.—Section 2(c) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)) is amended—

(A) by striking ''and'' after the semicolon in paragraph (21);

(B) by redesignating paragraph (22) as paragraph (23); and

(C) by inserting after paragraph (21) the following:

''(22) notwithstanding subsection (b)(4) of this section, sections 6301 through 6308 of title 31, United States Code (commonly known as the 'Grants and Cooperative Agreements Act'), sections 3551 through 3556 of such title (commonly known as the 'Competition in Contracting Act'), and the Federal Acquisition Regulations set forth in title 48, Code of Federal Regulations, to expend appropriated funds for National Institute of Standards and Technology memberships in scientific organizations, registration fees for attendance at conferences, and sponsorship of conferences in furtherance of technology transfer; and''.

(c) WORKING CAPITAL FUND.—Section 12 of the National Institute of Standards and Development Act (15 U.S.C. 278b) is amended by adding at the end the following:

''(g) AMOUNT AND SOURCE OF TRANSFERS.—Not to exceed one-quarter per centum of the amounts appropriated to the Institute for any fiscal year may be transferred to the fund, in addition to any other transfer authority. In addition, funds provided to the Institute from other Federal agencies for the purpose of production of Standard Reference Materials may be transferred to the fund.''.

(d) OUTDATED SPECIFICATIONS.—

(1) REDEFINITION OF METRIC SYSTEM.—Section 2 of the Act of July 28, 1866, entitled ''An Act to authorize the Use of the Metric System of Weights and Measures'' (15 U.S.C. 205; 14 Stat. 339) is amended to read as follows:

''SEC. 2. METRIC SYSTEM DEFINED.

''The metric system of measurement shall be defined as the International System of Units as established in 1960, and subsequently maintained, by the General Conference of Weights and Measures, and as interpreted or modified for the United States by the Secretary of Commerce.''.

(2) REPEAL OF REDUNDANT AND OBSOLETE AUTHORITY.—The Act of July 21, 1950, entitled, ''An Act To redefine the units and establish the standards of electrical and photometric measurements of 1950'' (15 U.S.C. 223) is hereby repealed.

(3) IDAHO TIME ZONE.—Section 3 of the Act of March 19, 1918, (commonly known as the ''Calder Act'') (15 U.S.C. 264) is amended—

(A) in the section heading, by striking ''**third zone**'' and inserting ''**fourth zone**''; and

(B) by striking ''third zone'' and inserting ''fourth zone''.

(4) STANDARD TIME.—Section 1 of the Act of March 19, 1918, (commonly known as the ''Calder Act'') (15 U.S.C. 261) is amended—

(A) by inserting ''(a) IN GENERAL.—'' before ''For the purpose'';

(B) by striking the second sentence and the extra period after it and inserting ''Except as provided in section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. 260a), the standard time of the first zone shall be Coordinated Universal Time retarded by 4 hours; that of the second zone retarded by 5 hours; that of the third zone retarded by 6 hours; that of the fourth zone retarded by 7 hours; that of the fifth zone retarded 8 hours; that of the sixth zone retarded by 9 hours; that of the seventh zone retarded by 10 hours; that of the eighth zone retarded by 11 hours; and that of the ninth zone shall be Coordinated Universal Time advanced by 10 hours.''; and

(C) by adding at the end the following:

''(b) COORDINATED UNIVERSAL TIME DEFINED.—In this section, the term 'Coordinated Universal Time' means the time scale maintained through the General Conference of Weights and Measures and interpreted or modified for the United States by the Secretary of Commerce in coordination with the Secretary of the Navy.''.

(e) RETENTION OF DEPRECIATION SURCHARGE.—Section 14 of the National Institute of Standards and Technology Act (15 U.S.C. 278d) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Within''; and

(2) by adding at the end the following:

''(b) RETENTION OF FEES.—The Director is authorized to retain all building use and depreciation surcharge fees collected pursuant to OMB Circular A–25. Such fees shall be collected and credited to the Construction of Research Facilities Appropriation Account for use in maintenance and repair of National Institute of Standards and Technology's existing facilities.''.

(f) NON-ENERGY INVENTIONS PROGRAM.—Section 27 of the National Institute of Standards and Technology Act (15 U.S.C. 278m) is repealed.

TITLE V—OCEAN AND ATMOSPHERIC PROGRAMS

SEC. 1501. OCEAN AND ATMOSPHERIC RESEARCH AND DEVELOPMENT PROGRAM.

The Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Director of the National Science Foundation and the Administrator of the National Aeronautics and Space Administration, shall establish a coordinated program of ocean and atmospheric research and development, in collaboration with academic institutions and other nongovernmental entities, that shall focus on the development of advanced technologies and analytical methods that will promote United States leadership in ocean and atmospheric science and competitiveness in the applied uses of such knowledge.

SEC. 1502. NOAA OCEAN AND ATMOSPHERIC SCIENCE EDUCATION PROGRAMS.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration shall conduct, develop, support, promote, and coordinate formal and informal educational activities at all levels to enhance public awareness and understanding of ocean, coastal, and atmospheric science and stewardship by the general public and other coastal stakeholders, including underrepresented groups in ocean and atmospheric science and policy careers. In conducting those activities, the Administrator shall build upon the educational programs and activities of the agency.

(b) NOAA SCIENCE EDUCATION PLAN.—The Administrator, appropriate National Oceanic and Atmospheric Administration programs, ocean atmospheric science and education experts, and interested members of the public shall develop a science education plan setting forth education goals and strategies for the Administration, as well as programmatic actions to carry out such goals and priorities over the next 20 years, and evaluate and update such plan every 5 years.

(c) CONSTRUCTION.—Nothing in this section may be construed to affect the application of section 438 of the General Education Provisions Act (20 U.S.C. 1232a) or sections 504 and 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794 and 794d).

DIVISION B—DEPARTMENT OF ENERGY

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Protecting America's Competitive Edge Through Energy Act'' or the ''PACE–Energy Act''.

SEC. 2002. DEFINITIONS.

In this division:

(1) DEPARTMENT.—The term ''Department'' means the Department of Energy.

(2) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(3) NATIONAL LABORATORY.—The term ''National Laboratory'' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Energy, acting through the Under Secretary for Science appointed under section 202(b) of the Department of Energy Organization Act (42 U.S.C. 7132(b)).

SEC. 2003. MATHEMATICS, SCIENCE, AND ENGINEERING EDUCATION AT THE DEPARTMENT OF ENERGY.

(a) SCIENCE EDUCATION PROGRAMS.—Section 3164 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381a) is amended—

(1) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively;

(2) by inserting after subsection (a) the following:

''(b) ORGANIZATION OF MATHEMATICS, SCIENCE, AND ENGINEERING EDUCATION PROGRAMS.—

''(1) DIRECTOR OF MATHEMATICS, SCIENCE AND ENGINEERING EDUCATION.—Notwithstanding any other provision of law, the Secretary, acting through the Under Secretary for Science (referred to in this subsection as the 'Under Secretary'), shall appoint a Director of Mathematics, Science, and Engineering Education (referred to in this subsection as the 'Director') with the principal responsibility for administering mathematics, science, and engineering education programs across all functions of the Department.

''(2) QUALIFICATIONS.—The Director shall be an individual, who by reason of professional background and experience, is specially qualified to advise the Under Secretary on all matters pertaining to mathematics, science, and engineering education at the Department.

''(3) DUTIES.—The Director shall—

''(A) oversee all mathematics, science, and engineering education programs of the Department;

''(B) represent the Department as the principal interagency liaison for all mathematics, science, and engineering education programs, unless otherwise represented by the Secretary or the Under Secretary;

''(C) prepare the annual budget and advise the Under Secretary on all budgetary issues for mathematics, science, and engineering education programs of the Department;

''(D) increase, to the maximum extent practicable, the participation and advancement of women and underrepresented minorities at every level of science, technology, engineering, and mathematics education; and

''(E) perform other such matters related to mathematics, science, and engineering education as are required by the Secretary or the Under Secretary.

''(4) STAFF AND OTHER RESOURCES.—The Secretary shall assign to the Director such personnel and other resources as the Secretary considers necessary to permit the Director to carry out the duties of the Director.

''(5) ASSESSMENT.—

''(A) IN GENERAL.—The Secretary shall offer to enter into a contract with the National Academy of Sciences under which the National Academy, not later than 5 years after, and not later than 10 years after, the date of enactment of this paragraph, shall assess the performance of the mathematics, science, and engineering education programs of the Department.

''(B) CONSIDERATIONS.—An assessment under this paragraph shall be conducted taking into consideration, where applicable, the effect of mathematics, science, and engineering education programs of the Department on student academic achievement in math and science.

''(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.''; and

(3) by striking subsection (d) (as redesignated by paragraph (1)) and inserting the following:

''(d) MATHEMATICS, SCIENCE, AND ENGINEERING EDUCATION FUND.—The Secretary shall establish a Mathematics, Science, and Engineering Education Fund, using not less than 0.3 percent of the amount made available to the Department for research, development, demonstration, and commercial application for each fiscal year, to carry out sections 3165, 3166, and 3167.''.

(b) CONSULTATION.—The Secretary shall—

(1) consult with the Secretary of Education regarding activities authorized under subpart B of the Department of Energy Science Education Enhancement Act (as added by subsection (d)(3)) to improve mathematics and science education; and

(2) otherwise make available to the Secretary of Education reports associated with programs authorized under that section.

(c) DEFINITION.—Section 3168 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381d) is amended by adding at the end the following:

''(5) NATIONAL LABORATORY.—The term 'National Laboratory' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).''.

(d) MATHEMATICS, SCIENCE, AND ENGINEERING EDUCATION PROGRAMS.—The Department of Energy Science Education Enhancement Act (42 U.S.C. 7381 et seq.) is amended—

(1) by inserting after section 3162 the following:

''Subpart A—Science Education Enhancement'';

(2) in section 3169, by striking ''part'' and inserting ''subpart''; and

(3) by adding at the end the following:

''Subpart B—Mathematics, Science, and Engineering Education Programs

''SEC. 3170. DEFINITIONS.

''In this subpart:

''(1) DIRECTOR.—The term 'Director' means the Director of Mathematics, Science, and Engineering Education.

''(2) NATIONAL LABORATORY.—The term 'National Laboratory' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

''CHAPTER 1—ASSISTANCE FOR SPECIALTY SCHOOLS FOR MATHEMATICS AND SCIENCE

''SEC. 3171. SPECIALTY SCHOOLS FOR MATHEMATICS AND SCIENCE.

''(a) PURPOSE.—The purpose of this section is to provide assistance to States to establish or expand public, statewide specialty secondary schools that provide comprehensive mathematics and science (including engineering) education to improve the academic achievement of students in mathematics and science.

''(b) DEFINITION OF SPECIALTY SCHOOL FOR MATHEMATICS AND SCIENCE.—In this chapter, the term 'specialty school for mathematics and science' means a public secondary school (including a school that provides residential services to students) that—

''(1) serves students residing in the State in which the school is located; and

''(2) offers to those students a high-quality, comprehensive mathematics and science (including engineering) curriculum designed to improve the academic achievement of students in mathematics and science.

''(c) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—From the amounts authorized under subsection (i), the Secretary, acting through the Director, shall award grants, on a competitive basis, to States in order to provide assistance to the States for the costs of establishing or expanding public, statewide specialty schools for mathematics and science.

''(2) RESOURCES.—The Director shall ensure that appropriate resources of the Department, including the National Laboratories, are available to schools funded under this section in order to—

''(A) increase experiential, hands-on learning opportunities in mathematics and science for students attending such schools; and

''(B) provide ongoing professional development opportunities for teachers employed at such schools.

''(3) ASSISTANCE.—Consistent with sections 3165 and 3166, the Director shall make available necessary funds for a program using scientific and engineering staff of the National Laboratories, during which the staff—

''(A) assists teachers in teaching courses at the schools funded under this section;

''(B) uses National Laboratory scientific equipment in teaching the courses; and

''(C) uses distance education and other technologies to provide assistance described in subparagraphs (A) and (B) to schools funded under this section that are not located near the National Laboratories.

''(4) RESTRICTION.—No State shall receive funding for more than 1 specialty school for mathematics and science for a fiscal year.

''(d) FEDERAL AND NON-FEDERAL SHARES.—

''(1) FEDERAL SHARE.—The Federal share of the costs described in subsection (c)(1) shall not exceed 50 percent.

''(2) NON-FEDERAL SHARE.—The non-Federal share of the costs described in subsection (c)(1) shall be—

''(A) not less than 50 percent; and

''(B) provided from non-Federal sources, in cash or in kind, fairly evaluated, including services.

''(e) APPLICATION.—Each State desiring a grant under this section shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may require that describes—

''(1) the process by which and selection criteria with which the State will select and designate a school as a specialty school for mathematics and science in accordance with this section;

''(2) how the State will ensure that funds made available under this section are used to establish or expand a specialty school for mathematics and science—

''(A) in accordance with the activities described in subsection (g); and

''(B) that has the capacity to improve the academic achievement of all students in all core academic subjects, and particularly in mathematics and science;

''(3) how the State will measure the extent to which the school increases student academic achievement on State academic achievement standards in mathematics and science;

''(4) the curricula and materials to be used in the school;

''(5) the availability of funds from non-Federal sources for the non-Federal share of the costs of the activities authorized under this section; and

''(6) how the State will use technical assistance and support from the Department, including the National Laboratories, and other entities with experience and expertise in mathematics and science education, including institutions of higher education.

''(f) DISTRIBUTION.—In awarding grants under this section, the Director shall—

''(1) ensure a wide, equitable distribution among States that propose to serve students from urban and rural areas; and

''(2) provide equal consideration to States without National Laboratories.

''(g) USES OF FUNDS.—

''(1) IN GENERAL.—A State that receives a grant under this section shall use the funds made available through the grant to—

''(A) employ proven strategies and methods for improving student learning and teaching in mathematics and science;

''(B) integrate into the curriculum of the school comprehensive mathematics and science education, including instruction and assessments that are aligned with the State's academic content and student academic achievement standards (within the meaning of section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311)), classroom management, professional development, parental involvement, and school management; and

''(C) provide high-quality and continuous teacher and staff professional development.

''(2) SPECIAL RULE.—Grant funds under this section may be used for activities described

in paragraph (1) only if the activities are directly related to improving student academic achievement in mathematics and science.

''(h) EVALUATION AND REPORT.—

''(1) STATE EVALUATION AND REPORT.—

''(A) EVALUATION.—Each State that receives a grant under this section shall develop and carry out an evaluation and accountability plan for the activities funded through the grant that measures the impact of the activities, including measurable objectives for improved student academic achievement on State mathematics and science assessments.

''(B) REPORT.—The State shall submit to the Director a report containing the results of the evaluation and accountability plan.

''(2) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of the PACE–Energy Act, the Director shall submit a report to the appropriate committees of Congress detailing the impact of the activities assisted with funds made available under this section.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $20,000,000 for fiscal year 2008;

''(2) $30,000,000 for fiscal year 2009;

''(3) $40,000,000 for fiscal year 2010; and

''(4) $50,000,000 for fiscal year 2011.

"CHAPTER 2—EXPERIENTIAL-BASED LEARNING OPPORTUNITIES

"SEC. 3175. EXPERIENTIAL-BASED LEARNING OPPORTUNITIES.

''(a) INTERNSHIPS AUTHORIZED.—

''(1) IN GENERAL.—From the amounts authorized under subsection (f), the Secretary, acting through the Director, shall establish a summer internship program for middle school and secondary school students that shall—

''(A) provide the students with internships at the National Laboratories; and

''(B) promote experiential, hands-on learning in mathematics or science.

''(2) RESIDENTIAL SERVICES.—The Director may provide residential services to students participating in the Internship authorized under this chapter.

''(b) SELECTION CRITERIA.—

''(1) IN GENERAL.—The Director shall establish criteria to determine the sufficient level of academic preparedness necessary for a student to be eligible for an internship under this section.

''(2) PARTICIPATION.—The Director shall ensure the participation of students from a wide distribution of States, including States without National Laboratories.

''(c) PRIORITY.—

''(1) IN GENERAL.—The Director shall give priority for an internship under this section to a student who meets the eligibility criteria described in subsection (b) and who attends a school—

''(A)(i) in which not less than 30 percent of the children enrolled in the school are from low-income families; or

''(ii) that is designated with a school locale code of 6, 7, or 8, as determined by the Secretary of Education; and

''(B) for which there is—

''(i) a high percentage of teachers who are not teaching in the academic subject areas or grade levels in which the teachers were trained to teach;

''(ii) a high teacher turnover rate; or

''(iii) a high percentage of teachers with emergency, provisional, or temporary certification or licenses.

''(2) COORDINATION.—The Director shall consult with the Secretary of Education in order to determine whether a student meets the priority requirements of this subsection.

''(d) OUTREACH AND EXPERIENTIAL-BASED PROGRAMS FOR MINORITY STUDENTS.—

''(1) IN GENERAL.—The Secretary, acting through the Director, in cooperation with Hispanic-serving institutions, historically Black colleges and universities, tribally controlled colleges and universities, Alaska Native- and Native Hawaiian-serving institutions, and other minority-serving institutions and nonprofit entities with substantial experience relating to outreach and experiential-based learning projects, shall establish outreach and experiential-based learning programs that will encourage underrepresented minority students in kindergarten through grade 12 to pursue careers in math, science, and engineering.

''(2) COMMUNITY INVOLVEMENT.—The Secretary shall ensure that the programs established under paragraph (1) involve, to the maximum extent practicable—

''(A) participation by parents and educators; and

''(B) the establishment of partnerships with business organizations and appropriate Federal, State, and local agencies.

''(3) DISTRIBUTION.—The Secretary shall ensure that the programs established under paragraph (1) are located in diverse geographic regions of the United States, to the maximum extent practicable.

''(e) EVALUATION AND ACCOUNTABILITY PLAN.—The Director shall develop an evaluation and accountability plan for the activities funded under this chapter that objectively measures the impact of the activities.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2008 through 2011.

"CHAPTER 3—NATIONAL LABORATORIES CENTERS OF EXCELLENCE IN MATHEMATICS AND SCIENCE EDUCATION

"SEC. 3181. NATIONAL LABORATORIES CENTERS OF EXCELLENCE IN MATHEMATICS AND SCIENCE EDUCATION.

''(a) DEFINITION OF HIGH-NEED PUBLIC SECONDARY SCHOOL.—In this chapter, the term 'high-need public secondary school' means a secondary school—

''(1) with a high concentration of low-income individuals (as defined in section 1707 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537)); or

''(2) designated with a school locale code of 6, 7, or 8, as determined by the Secretary of Education.

''(b) ESTABLISHMENT.—The Secretary shall establish at each of the National Laboratories a program to support a Center of Excellence in Mathematics and Science at 1 high-need public secondary school located in the region of the National Laboratory to provide assistance in accordance with subsection (f).

''(c) PARTNERSHIP.—Each high-need public secondary school selected as a Center of Excellence shall form a partnership with a department that provides training for teachers and principals at an institution of higher education for purposes of compliance with subsection (g).

''(d) SELECTION.—

''(1) IN GENERAL.—The Secretary, acting through the Director, shall establish criteria to guide the National Laboratories in selecting the sites of the Centers of Excellence.

''(2) PROCESS.—The National Laboratories shall select the sites of the Centers of Excellence through an open, widely publicized, and competitive process.

''(e) GOALS.—The Secretary shall establish goals and performance assessments for each Center of Excellence authorized under subsection (b).

''(f) ASSISTANCE.—Consistent with sections 3165 and 3166, the Director shall make available necessary funds for a program using scientific and engineering staff of the National Laboratories, during which the staff—

''(1) assists teachers in teaching courses at the Centers of Excellence in Mathematics and Science; and

''(2) uses National Laboratory scientific equipment in the teaching of the courses.

''(g) SPECIAL RULE.—Each Center of Excellence shall ensure—

''(1) provision of clinical practicum, student teaching, or internship experiences for math and science teacher candidates as part of its teacher preparation program;

''(2) provision of supervision and mentoring for teacher candidates in the teacher preparation program; and

''(3) to the maximum extent practicable, provision of professional development for veteran teachers in the public secondary schools in the region.

''(h) EVALUATION.—The Secretary shall consider the results of performance assessments required under subsection (e) in determining the contract award fee of a National Laboratory management and operations contractor.

''(i) PLAN.—The Director shall—

''(1) develop an evaluation and accountability plan for the activities funded under this chapter that objectively measures the impact of the activities; and

''(2) disseminate information obtained from those measurements.

''(j) NO EFFECT ON SIMILAR PROGRAMS.—Nothing in this section displaces or otherwise affects any similar program being carried out as of the date of enactment of this subpart at any National Laboratory under any other provision of law.

"CHAPTER 4—SUMMER INSTITUTES

"SEC. 3185. SUMMER INSTITUTES.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE PARTNER.—The term 'eligible partner' means—

''(A) the mathematics or science (including engineering) department at an institution of higher education, acting in coordination with a department at an institution of higher education that provides training for teachers and principals; or

''(B) a nonprofit entity with expertise in providing professional development for mathematics or science teachers.

''(2) SUMMER INSTITUTE.—The term 'summer institute' means an institute, conducted during the summer, that—

''(A) is conducted for a period of not less than 2 weeks;

''(B) includes, as a component, a program that provides direct interaction between students and faculty, including personnel of 1 or more National Laboratories who have scientific expertise; and

''(C) provides for follow-up training, during the academic year, that is conducted in the classroom.

''(b) SUMMER INSTITUTE PROGRAMS AUTHORIZED.—

''(1) PROGRAMS AT THE NATIONAL LABORATORIES.—The Secretary, acting through the Director, shall establish or expand programs of summer institutes at each of the National Laboratories to provide additional training to strengthen the mathematics and science teaching skills of teachers employed at public schools for kindergarten through grade 12, in accordance with the activities authorized under subsections (c) and (d).

''(2) PROGRAMS WITH ELIGIBLE PARTNERS.—

''(A) IN GENERAL.—The Secretary, acting through the Director, shall identify and provide assistance to eligible partners to establish or expand programs of summer institutes that provide additional training to strengthen the mathematics and science teaching skills of teachers employed at public schools for kindergarten through grade 12, in accordance with the activities authorized under subsections (c) and (d).

''(B) ASSISTANCE.—Consistent with sections 3165 and 3166, the Director shall make available necessary funds for a program using scientific and engineering staff of the National Laboratories, during which the staff—

''(i) assists in providing training to teachers at summer institutes; and

''(ii) uses National Laboratory scientific equipment in the training.

''(C) LIMITATION OF AMOUNT.—To carry out this paragraph, the Director may use not more than 50 percent of the amounts authorized under subsection (h) for a fiscal year.

''(c) REQUIRED ACTIVITIES.—Each program authorized under subsection (b) shall—

''(1) create opportunities for enhanced and ongoing professional development for teachers that improves the mathematics and science content knowledge of such teachers;

''(2) include material pertaining to recent developments in mathematics and science pedagogy;

''(3) provide training on the use and integration of technology in the classroom;

''(4) directly relate to the curriculum and academic areas in which the teachers provide instruction;

''(5) enhance the ability of the teachers to understand and use the challenging State academic content standards for mathematics and science and to select appropriate curricula;

''(6) train teachers to use curricula that are—

''(A) based on scientific research;

''(B) aligned with challenging State academic content standards; and

''(C) object-centered, experiment-oriented, and concept- and content-based;

''(7) provide professional development activities, including supplemental and follow-up activities; and

''(8) allow for the exchange of best practices among the participants.

''(d) PERMISSIBLE ACTIVITIES.—A program authorized under subsection (b) may include—

''(1) a program that provides teachers with opportunities to work under the guidance of experienced teachers and college faculty;

''(2) instruction in the use and integration of data and assessments to inform and instruct classroom practice; and

''(3) extended master teacher programs.

''(e) PRIORITY.—To the maximum extent practicable, the Director shall ensure that each summer institute program authorized under subsection (b) provides training to—

''(1) teachers from a wide range of school districts;

''(2) teachers from disadvantaged school districts; and

''(3) teachers from groups underrepresented in the fields of mathematics and science teaching, including women and members of minority groups.

''(f) COORDINATION AND CONSULTATION.—The Director shall consult and coordinate with the Secretary of Education and the Director of the National Science Foundation regarding the implementation of the programs authorized under subsection (b).

''(g) EVALUATION AND ACCOUNTABILITY PLAN.—

''(1) IN GENERAL.—The Director shall develop an evaluation and accountability plan for the activities funded under this section that measures the impact of the activities.

''(2) CONTENTS.—The evaluation and accountability plan shall include—

''(A) measurable objectives to increase the number of mathematics and science teachers who participate in the summer institutes involved; and

''(B) measurable objectives for improved student academic achievement on State mathematics and science assessments.

''(3) REPORT TO CONGRESS.—The Secretary shall submit to Congress with the annual budget submission of the Secretary a report on how the activities assisted under this section improve the mathematics and science teaching skills of participating teachers.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $25,000,000 for fiscal year 2008;

''(2) $40,000,000 for fiscal year 2009;

''(3) $50,000,000 for fiscal year 2010; and

''(4) $75,000,000 for fiscal year 2011.

''CHAPTER 5—NUCLEAR SCIENCE EDUCATION

''SEC. 3191. NUCLEAR SCIENCE TALENT EXPANSION PROGRAM FOR INSTITUTIONS OF HIGHER EDUCATION.

''(a) PURPOSES.—The purposes of this section are—

''(1) to address the decline in the number of and resources available to nuclear science programs of institutions of higher education; and

''(2) to increase the number of graduates with degrees in nuclear science, an area of strategic importance to the economic competitiveness and energy security of the United States.

''(b) DEFINITION OF NUCLEAR SCIENCE.—In this section, the term 'nuclear science' includes—

''(1) nuclear science;

''(2) nuclear engineering;

''(3) nuclear chemistry;

''(4) radio chemistry; and

''(5) health physics.

''(c) ESTABLISHMENT.—The Secretary, acting through the Director, shall establish in accordance with this section a program to expand and enhance institution of higher education nuclear science educational capabilities.

''(d) NUCLEAR SCIENCE PROGRAM EXPANSION GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.—

''(1) IN GENERAL.—The Secretary, acting through the Director, shall award up to 3 competitive grants for each fiscal year to institutions of higher education that establish new academic degree programs in nuclear science.

''(2) ELIGIBILITY.—To be eligible for a grant under this subsection, an applicant shall partner with a National Laboratory or other eligible nuclear-related entity, as determined by the Secretary.

''(3) CRITERIA.—Criteria for a grant awarded under this subsection shall be based on—

''(A) the potential to attract new students to the program;

''(B) academic rigor; and

''(C) the ability to offer hands-on learning opportunities.

''(4) DURATION AND AMOUNT.—

''(A) DURATION.—A grant under this subsection shall be 5 years in duration.

''(B) AMOUNT.—An institution of higher education that receives a grant under this subsection shall be eligible for up to $1,000,000 for each year of the grant period.

''(5) USE OF FUNDS.—An institution of higher education that receives a grant under this subsection may use the grant to—

''(A) recruit and retain new faculty;

''(B) develop core and specialized course content;

''(C) encourage collaboration between faculty and researchers in the nuclear science field; or

''(D) support outreach efforts to recruit students.

''(e) NUCLEAR SCIENCE COMPETITIVENESS GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.—

''(1) IN GENERAL.—The Secretary, acting through the Director shall award up to 10 competitive grants for each fiscal year to institutions of higher education with existing academic degree programs that produce graduates in nuclear science.

''(2) CRITERIA.—Criteria for a grant awarded under this subsection shall be based on the potential for increasing the number and academic quality of graduates in the nuclear sciences who enter into careers in nuclear-related fields.

''(3) DURATION AND AMOUNT.—

''(A) DURATION.—A grant under this subsection shall be 5 years in duration.

''(B) AMOUNT.—An institution of higher education that receives a grant under this subsection shall be eligible for up to $500,000 for each year of the grant period.

''(4) USE OF FUNDS.—An institution of higher education that receives a grant under this subsection may use the grant to—

''(A) increase the number of graduates in nuclear science that enter into careers in the nuclear science field;

''(B) enhance the teaching of advanced nuclear technologies;

''(C) aggressively pursue collaboration opportunities with industry and National Laboratories;

''(D) bolster or sustain nuclear infrastructure and research facilities of the institution of higher education, such as research and training reactors or laboratories; and

''(E) provide tuition assistance and stipends to undergraduate and graduate students.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) NUCLEAR SCIENCE PROGRAM EXPANSION GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.—There are authorized to be appropriated to carry out subsection (d)—

''(A) $9,000,000 for fiscal year 2008;

''(B) $13,000,000 for fiscal year 2009;

''(C) $18,000,000 for fiscal year 2010; and

''(D) $22,500,000 for fiscal year 2011.

''(2) NUCLEAR SCIENCE COMPETITIVENESS GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.—There are authorized to be appropriated to carry out subsection (e)—

''(A) $11,000,000 for fiscal year 2008;

''(B) $16,500,000 for fiscal year 2009;

''(C) $22,000,000 for fiscal year 2010; and

''(D) $27,500,000 for fiscal year 2011.''.

SEC. 2004. DEPARTMENT OF ENERGY EARLY-CAREER RESEARCH GRANTS.

(a) PURPOSE.—It is the purpose of this section to authorize research grants in the Department for early-career scientists and engineers for purposes of pursuing independent research.

(b) DEFINITION OF ELIGIBLE EARLY-CAREER RESEARCHER.—In this section, the term ''eligible early-career researcher'' means an individual who—

(1) completed a doctorate or other terminal degree not more than 10 years before the date of application for a grant authorized under this section, except as provided in subsection (c)(3); and

(2) has demonstrated promise in the field of science, technology, engineering, mathematics, computer science, or computational science.

(c) GRANT PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary shall award not less than 65 grants per year to outstanding eligible early-career researchers to support the work of such researchers in the Department, particularly at the National Laboratories, or other federally-funded research and development centers.

(2) APPLICATION.—An eligible early-career researcher who desires to receive a grant under this section shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

(3) WAIVER.—The Secretary may find eligible a candidate who has completed a doctorate more than 10 years prior to the date of application if the candidate was unable to conduct research for a period of time because of extenuating circumstances, including military service or family responsibilities.

(4) DURATION AND AMOUNT.—

(A) DURATION.—A grant under this section shall be 5 years in duration.

(B) AMOUNT.—An eligible early career-researcher who receives a grant under this section shall receive up to $100,000 for each year of the grant period.

(5) USE OF FUNDS.—An eligible early career-researcher who receives a grant under this section shall use the grant funds for basic research in natural sciences, engineering, mathematics, or computer sciences at the Department, particularly the National Laboratories, or other federally-funded research and development center.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(A) $13,000,000 for fiscal year 2008;

(B) $19,500,000 for fiscal year 2009;

(C) $26,000,000 for fiscal year 2010; and

(D) $32,500,000 for fiscal year 2011.

SEC. 2005. ADVANCED RESEARCH PROJECTS AUTHORITY-ENERGY.

(a) DEFINITIONS.—In this section:

(1) ADVISORY BOARD.—The term ''Advisory Board'' means the Advisory Board established under subsection (d).

(2) AUTHORITY.—The term ''Authority'' means the Advanced Research Projects Authority—Energy established under subsection (b).

(3) DIRECTOR.—The term ''Director'' means the Director of the Authority appointed under subsection (c)(1).

(4) ENERGY TECHNOLOGY.—The term ''energy technology'' means technology, including carbon-neutral technology, used for—

(A) fossil energy;

(B) carbon sequestration;

(C) nuclear energy;

(D) renewable energy;

(E) energy distribution; or

(F) energy efficiency technology.

(b) ESTABLISHMENT.—The Secretary shall establish an Advanced Research Projects Authority-Energy to overcome the long-term and high-risk technological barriers in the development of energy technologies.

(c) DIRECTOR.—

(1) APPOINTMENT.—The Secretary shall appoint a Director of the Authority.

(2) QUALIFICATIONS.—The Director shall be an individual who, by reason of professional background and experience, is especially qualified to advise the Secretary on matters pertaining to long-term, high-risk programs to overcome long-term and high-risk technological barriers to the development of energy technologies.

(3) DUTIES.—The Director shall—

(A) employ such qualified technical staff as are necessary to carry out the duties of the Authority, including providing staff for the Advisory Committee;

(B) serve as the selection official for proposals relating to energy technologies that are solicited within the Department;

(C) develop metrics to assist in developing funding criteria and for assessing the success of existing programs;

(D) terminate programs carried out under this section that are not achieving the goals of the programs; and

(E) perform such duties relating to long-term and high-risk technological barriers in the development of energy technologies as are determined to be appropriate by the Secretary.

(d) ADVISORY BOARD.—

(1) APPOINTMENT.—The Secretary shall, consistent with the Federal Advisory Committee Act (5 U.S.C. App.), establish, and appoint members to, an Advisory Board to make recommendations to the Secretary and the Director on actions necessary to carry out this section.

(2) QUALIFICATIONS.—The Advisory Board shall consist of individuals who, by reason of professional background and experience, are especially qualified to advise the Secretary and the Director on matters pertaining to long-term and high-risk technological barriers in the development of energy technologies.

(3) TERM.—A member of the Advisory Board shall be appointed for a term of 5 years.

(4) INFORMATION.—Each fiscal year, individuals who carry out energy technology programs of the Department and staff of the Authority shall provide to the Advisory Board written proposals and oral briefings on long-term and high-risk technological barriers that are critical to overcome for the successful development of energy technologies.

(5) DUTIES.—Each fiscal year, the Advisory Board shall—

(A) recommend to the Secretary and the Director—

(i) in order of priority, proposals of energy programs of the Department that are critical to overcoming long-term and high-risk technological barriers to enable the successful development of energy technologies; and

(ii) additional programs not covered in the proposals that are critical to overcoming the barriers described in clause (i); and

(B) based on the metrics described in subsection (c)(3)(C), make recommendations to the Secretary and the Directory concerning whether programs funded under this section are achieving the goals of the programs.

(e) REVIEW.—Not later than 1 year after the date of enactment of this Act, the Secretary shall enter into an agreement with the National Academy of Sciences under which the Academy shall—

(1) conduct reviews during each of calendar years 2010 and 2012 to determine the success of the activities carried out under this section; and

(2) submit to Congress, the Secretary, and the Director a report describing the results of each review.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2011.

SEC. 2006. AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF ENERGY FOR BASIC RESEARCH.

Section 971(b) of the Energy Policy Act of 2005 (42 U.S.C. 16311(b)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3)—

(A) by striking ''$5,200,000,000'' and inserting ''$4,800,000,000''; and

(B) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(4) $4,945,000,000 for fiscal year 2010; and

''(5) $5,265,000,000 for fiscal year 2011.''.

SEC. 2007. DISCOVERY SCIENCE AND ENGINEERING INNOVATION INSTITUTES.

(a) IN GENERAL.—The Secretary shall establish distributed, multidisciplinary institutes (referred to in this section as ''Institutes'') centered at National Laboratories to apply fundamental science and engineering discoveries to technological innovations related to the missions of the Department and the global competitiveness of the United States.

(b) TOPICAL AREAS.—The Institutes shall support scientific and engineering research and education activities on critical emerging technologies determined by the Secretary to be essential to global competitiveness, including activities related to—

(1) sustainable energy technologies;

(2) multi-scale materials and processes;

(3) micro- and nano-engineering;

(4) computational and information engineering; and

(5) genomics and proteomics.

(c) PARTNERSHIPS.—In carrying out this section, the Secretary shall establish partnerships between the Institutes and—

(1) institutions of higher education to—

(A) train undergraduate and graduate engineering and science students;

(B) develop innovative educational curricula; and

(C) conduct research within the topical areas described in subsection (b);

(2) private industry to develop innovative technologies within the topical areas described in subsection (b);

(3) State and local governments to promote regionally-based commercialization and entrepreneurship; and

(4) financing entities to guide successful technology commercialization.

(d) MERIT-BASED SELECTION.—The selection of Institutes under this section shall be merit-based and made through an open, competitive selection process.

(e) RESTRICTION.—Not more than 3 Institutes shall receive grants for a fiscal year.

(f) REVIEW.—The Secretary shall enter into an agreement with the National Academy of Sciences under which the Academy shall, not later than 3 and 6 years after the date of enactment of this Act—

(1) review the performance of the Institutes under this section; and

(2) submit to Congress and the Secretary a report describing the results of the review.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the activities of each Institute selected under this section $10,000,000 for each of fiscal years 2008 through 2011.

SEC. 2008. PROTECTING AMERICA'S COMPETITIVE EDGE (PACE) GRADUATE FELLOWSHIP PROGRAM.

(a) DEFINITION OF ELIGIBLE STUDENT.—In this section, the term ''eligible student'' means a student who attends an institution of higher education that offers a doctoral degree in a field relevant to a mission area of the Department.

(b) ESTABLISHMENT.—The Secretary shall establish a graduate fellowship program for eligible students pursuing a doctoral degree in a mission area of the Department.

(c) SELECTION.—

(1) IN GENERAL.—The Secretary shall award fellowships to eligible students under this section through a competitive merit review process (involving written and oral interviews) that will result in a wide distribution of awards throughout the United States.

(2) CRITERIA.—The Secretary shall establish selection criteria for awarding fellowships under this section that require an eligible student to—

(A) pursue a field of science or engineering of importance to the mission area of the Department;

(B) rank in the upper 10 percent of the class of the eligible student;

(C) demonstrate to the Secretary—

(i) the capacity to understand technical topics related to the fellowship that can be derived from the first principles of the technical topics;

(ii) imagination and creativity;

(iii) leadership skills in organizations or intellectual endeavors, demonstrated through awards and past experience; and

(iv) excellent verbal and communication skills to explain, defend, and demonstrate an understanding of technical subjects related to the fellowship; and

(D) be a citizen or legal permanent resident of the United States.

(d) AWARDS.—

(1) AMOUNT.—A fellowship awarded under this section shall—

(A) provide an annual living stipend; and

(B) cover—

(i) graduate tuition at an institution of higher education; and

(ii) incidental expenses associated with curricula and research at the institution of higher education (including books, computers and software).

(2) DURATION.—A fellowship awarded under this section shall be for a period of not greater than 5 years.

(3) PORTABILITY.—A fellowship awarded under this section shall be portable with the fellow.

(e) ADMINISTRATION.—The Secretary (acting through the Director of Mathematics, Science, and Engineering Education)—

(1) shall administer the program established under this section; and,

(2) may enter into a contract with a nonprofit entity to administer the program, including the selection and award of fellowships.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) FELLOWSHIPS.—There are authorized to be appropriated to award fellowships under this section—

(A) $9,300,000 for 200 fellowships for fiscal year 2008;

(B) $14,500,000 for 300 fellowships for fiscal year 2009 (including non-expiring fellowships for prior fiscal years);

(C) $25,000,000 for 500 fellowships for fiscal year 2010 (including non-expiring fellowships for prior fiscal years); and

(D) $35,500,000 for 700 fellowships for fiscal year 2011 (including non-expiring fellowships for prior fiscal years).

(2) ADMINISTRATION.—There are authorized to be appropriated for administrative expenses incurred in carrying out this section—

(A) $1,000,000 for fiscal year 2008;

(B) $1,500,000 for fiscal year 2009;

(C) $2,500,000 for fiscal year 2010; and

(D) $3,500,000 for fiscal year 2011.

SEC. 2009. TITLE IX COMPLIANCE.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes actions taken by the Department of Energy to implement the recommendations in the report of the Government Accountability Office numbered 04–639.

(b) COMPLIANCE.—To comply with title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), the Secretary of Energy shall annually conduct compliance reviews of at least 2 recipients of Department of Energy grants.

SEC. 2010. HIGH-RISK, HIGH-REWARD RESEARCH.

(a) DEFINITION OF HIGH-RISK, HIGH-REWARD RESEARCH.—In this section, the term ''high-risk, high reward research'' means research that—

(1) has the potential for yielding results with far-ranging implications;

(2) is too novel or spans too diverse a range of disciplines to fare well in the traditional peer review process; and

(3) is supportive of the missions of the sponsoring agency.

(b) ESTABLISHMENT OF GRANT PROGRAMS.—

(1) ENERGY GRANT PROGRAM.—The Secretary shall establish a grant program to encourage the conduct of high-risk, high-reward research at the Department.

(2) GEOLOGICAL GRANT PROGRAM.—The Director of the United States Geological Survey shall establish a grant program to encourage the conduct of high-risk, high-reward research at the United States Geological Survey.

SEC. 2011. DISTINGUISHED SCIENTIST PROGRAM.

(a) PURPOSE.—The purpose of this section is to promote scientific and academic excellence through collaborations between institutions of higher education and the National Laboratories.

(b) ESTABLISHMENT.—The Secretary shall establish a program to support the joint appointment of distinguished scientists by institutions of higher education and National Laboratories.

(c) QUALIFICATIONS.—Successful candidates under this section shall be persons who, by reason of professional background and experience, are able to bring international recognition to the appointing institution of higher education and National Laboratory in their field of scientific endeavor.

(d) SELECTION.—A distinguished scientist appointed under this section shall be selected through an open, competitive process.

(e) APPOINTMENT.—

(1) INSTITUTION OF HIGHER EDUCATION.—An appointment by an institution of higher education under this section shall be filled within the tenure allotment of the institution of higher education at a minimum rank of professor.

(2) NATIONAL LABORATORY.—An appointment by a National Laboratory under this section shall be at the rank of the highest grade of distinguished scientist or technical staff of the National Laboratory.

(f) DURATION.—An appointment under this section shall be for 6 years, consisting of 2 3-year funding allotments.

(g) USE OF FUNDS.—Funds made available under this section may be used for—

(1) the salary of the distinguished scientist and support staff;

(2) undergraduate, graduate, and post-doctoral appointments;

(3) research-related equipment;

(4) professional travel; and

(5) such other requirements as the Director determines are necessary to carry out the purpose of the program.

(h) REVIEW.—

(1) IN GENERAL.—The appointment of a distinguished scientist under this section shall be reviewed at the end of the first 3-year allotment for the distinguished scientist through an open peer-review process to determine whether the appointment is meeting the purpose of this section under subsection (a).

(2) FUNDING.—Funding of the appointment of the distinguished scientist for the second 3-year allotment shall be determined based on the review conducted under paragraph (1).

(i) COST SHARING.—To be eligible for assistance under this section, an appointing institution of higher education shall pay at least 50 percent of the total costs of the appointment.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $30,000,000 for fiscal year 2008 (to support up to 30 appointments under this section);

(2) $60,000,000 for fiscal year 2009 (to support up to 60 such appointments); and

(3) $100,000,000 for each of fiscal years 2010 and 2011 (to support up to 100 such appointments).

DIVISION C—EDUCATION

SEC. 3001. FINDINGS.

Congress makes the following findings:

(1) A well-educated population is essential to retaining America's competitiveness in the global economy.

(2) The United States needs to build on and expand the impact of existing programs by taking additional, well-coordinated steps to ensure that all students are able to obtain the knowledge the students need to obtain postsecondary education and participate successfully in the workforce or the Armed Forces.

(3) The next steps must be informed by independent information on the effectiveness of current programs in science, technology, engineering, and mathematics education, and by identification of best practices that can be replicated.

(4) Teacher preparation and elementary school and secondary school programs and activities must be aligned with the requirements of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and the requirements of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(5) The ever increasing knowledge and skill demands of the 21st century require that secondary school preparation and requirements be better aligned with the knowledge and skills needed to succeed in postsecondary education and the workforce, and States need better data systems to track educational achievement from prekindergarten through baccalaureate degrees.

SEC. 3002. DEFINITIONS.

(a) ESEA DEFINITIONS.—Unless otherwise specified in this division, the terms used in this division have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(b) OTHER DEFINITIONS.—In this division:

(1) CRITICAL FOREIGN LANGUAGE.—The term ''critical foreign language'' means a foreign language that the Secretary determines, in consultation with the heads of such Federal departments and agencies as the Secretary determines appropriate, is critical to the national security and economic competitiveness of the United States.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

TITLE I—TEACHER ASSISTANCE

Subtitle A—Teachers for a Competitive Tomorrow

SEC. 3111. PURPOSE.

The purpose of this subtitle is—

(1) to develop and implement programs to provide integrated courses of study in mathematics, science, engineering, or critical foreign languages, and teacher education, that lead to a baccalaureate degree with concurrent teacher certification; and

(2) to develop and implement 2- or 3-year part-time master's degree programs in mathematics, science, or critical foreign language education for teachers in order to enhance the teachers' content knowledge and pedagogical skills.

SEC. 3112. DEFINITIONS.

In this subtitle:

(1) CHILDREN FROM LOW-INCOME FAMILIES.—The term ''children from low-income families'' means children described in section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)(1)(A)).

(2) ELIGIBLE RECIPIENT.—The term ''eligible recipient'' means an institution of higher education that receives grant funds under this subtitle on behalf of a department of mathematics, engineering, science, or critical foreign language for use in carrying out activities assisted under this subtitle.

(3) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term ''high-need local educational agency'' means a local educational agency or educational service agency—

(A)(i) that serves not fewer than 10,000 children from low-income families;

(ii) for which not less than 20 percent of the children served by the agency are children from low-income families; or

(iii) with a total of less than 600 students in average daily attendance at the schools that are served by the agency and all of whose schools are designated with a school locale code of 6, 7, or 8, as determined by the Secretary; and

(B)(i) for which there is a high percentage of teachers providing instruction in academic subject areas or grade levels for which the teachers are not highly qualified; or

(ii) for which there is a high teacher turnover rate or a high percentage of teachers with emergency, provisional, or temporary certification or licensure.

(4) HIGHLY QUALIFIED.—The term ''highly qualified'' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) and, with respect to special education teachers, in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(5) PARTNERSHIP.—The term ''partnership'' means a partnership that—

(A) shall include—

(i) an eligible recipient;

(ii) a department within the eligible recipient that provides a program of study in mathematics, engineering, science, or critical foreign languages;

(iii)(I) a school or department within the eligible recipient that provides a teacher preparation program; or

(II) a 2-year institution of higher education that has a teacher preparation offering or a dual enrollment program with the eligible recipient; and

(iv) not less than 1 high-need local educational agency and a public school or a consortium of public schools served by the agency; and

(B) may include a nonprofit organization that has the capacity to provide expertise or support to meet the purposes of this subtitle.

(6) TEACHING SKILLS.—The term ''teaching skills'' means the ability to—

(A) increase student achievement;

(B) effectively convey and explain academic subject matter;

(C) employ strategies that—

(i) are based on scientifically based research;

(ii) are specific to academic subject matter; and

(iii) focus on the identification of, and tailoring of academic instruction to, students' specific learning needs, particularly children with disabilities, students who are limited English proficient, and students who are gifted and talented;

(D) conduct ongoing assessment of student learning;

(E) effectively manage a classroom; and

(F) communicate and work with parents and guardians, and involve parents and guardians in their children's education.

SEC. 3113. PROGRAMS FOR BACCALAUREATE DEGREES IN MATHEMATICS, SCIENCE, ENGINEERING, OR CRITICAL FOREIGN LANGUAGES, WITH CONCURRENT TEACHER CERTIFICATION.

(a) PROGRAM AUTHORIZED.—From the amounts made available to carry out this section under section 3116(1) and not reserved under section 3115(d) for a fiscal year, the Secretary is authorized to award grants, on a competitive basis, to eligible recipients to enable partnerships served by the eligible recipients to develop and implement programs to provide courses of study in mathematics, science, engineering, or critical foreign languages that—

(1) are integrated with teacher education; and

(2) lead to a baccalaureate degree with concurrent teacher certification.

(b) APPLICATION.—Each eligible recipient desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Each application shall—

(1) describe the program for which assistance is sought;

(2) describe how a department of mathematics, science, engineering, or a critical foreign language participating in the partnership will ensure significant collaboration with a teacher preparation program in the development of undergraduate degrees in mathematics, science, engineering, or a critical foreign language, with concurrent teacher certification, including providing student teaching and other clinical classroom experiences;

(3) describe the high-quality research, laboratory, or internship experiences, integrated with coursework, that will be provided under the program;

(4) describe how members of groups that are underrepresented in the teaching of mathematics, science, or critical foreign languages will be encouraged to participate in the program;

(5) describe how program participants will be encouraged to teach in schools determined by the partnership to be most in need, and what assistance in finding employment in such schools will be provided;

(6) describe the ongoing activities and services that will be provided to graduates of the program;

(7) describe how the activities of the partnership will be coordinated with any activities funded through other Federal grants, and how the partnership will continue the activities assisted under the program when the grant period ends;

(8) describe how the partnership will assess the content knowledge and teaching skills of the program participants; and

(9) provide any other information the Secretary may reasonably require.

(c) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—Each eligible recipient receiving a grant under this section shall use the grant funds to enable a partnership to develop and implement a program to provide courses of study in mathematics, science, engineering, or a critical foreign language that—

(A) are integrated with teacher education programs that promote effective teaching skills; and

(B) lead to a baccalaureate degree in mathematics, science, engineering, or a critical foreign language with concurrent teacher certification.

(2) PROGRAM REQUIREMENTS.—The program shall—

(A) provide high-quality research, laboratory, or internship experiences for program participants;

(B) provide student teaching or other clinical classroom experiences that—

(i) are integrated with coursework; and

(ii) lead to the participants' ability to demonstrate effective teaching skills;

(C) if implementing a program in which program participants are prepared to teach mathematics or science courses, include strategies for improving student literacy;

(D) encourage the participation of individuals who are members of groups that are underrepresented in the teaching of mathematics, science or critical foreign languages;

(E) encourage participants to teach in schools determined by the partnership to be most in need, and actively assist the participants in finding employment in such schools;

(F) offer training in the use of and integration of educational technology;

(G) collect data regarding and evaluate, using measurable objectives and benchmarks, the extent to which the program succeeded in—

(i) increasing the percentage of highly qualified mathematics, science, or critical foreign language teachers, including increasing the percentage of such teachers teaching in those schools determined by the partnership to be most in need;

(ii) improving student academic achievement in mathematics and science;

(iii) increasing the number of students in secondary schools enrolled in upper level mathematics and science courses; and

(iv) increasing the numbers of elementary school, middle school, and secondary school students enrolled in and continuing in critical foreign language courses;

(H) collect data on the employment placement of all graduates of the program, including information on how many graduates are teaching and in what kinds of schools;

(I) provide ongoing activities and services to graduates of the program who teach elementary school, middle school, or secondary school, by—

(i) keeping the graduates informed of the latest developments in their respective academic fields; and

(ii) supporting the graduates of the program who are employed in schools in the local educational agency participating in the partnership during the initial years of teaching through—

(I) induction programs;

(II) promotion of effective teaching skills; and

(III) providing opportunities for regular professional development; and

(J) develop recommendations to improve the teacher preparation program participating in the partnership.

(d) ANNUAL REPORT.—Each eligible recipient receiving a grant under this section shall collect and report to the Secretary annually such information as the Secretary may reasonably require, including—

(1) the number of participants in the program;

(2) information on the academic majors of participating students;

(3) the race, gender, income, and disability status of program participants;

(4) the employment placement of program participants as teachers in schools determined by the partnership to be most in need;

(5) the extent to which the program succeeded in meeting the objectives and benchmarks described in subsection (c)(2)(G); and

(6) the data collected under subparagraphs (G) and (H) of subsection (c)(2).

(e) TECHNICAL ASSISTANCE.—From the funds made available under section 3116(1), the Secretary may provide technical assistance to an eligible recipient developing a baccalaureate degree program with concurrent teacher certification, including technical assistance provided through a grant or contract awarded on a competitive basis to an institution of higher education or a technical assistance center.

SEC. 3114. PROGRAMS FOR MASTER'S DEGREES IN MATHEMATICS, SCIENCE, OR CRITICAL FOREIGN LANGUAGES EDUCATION.

(a) PROGRAM AUTHORIZED.—From the amounts made available to carry out this section under section 3116(2) and not reserved under section 3115(d) for a fiscal year, the Secretary is authorized to award grants, on a competitive basis, to eligible recipients to enable the partnerships served by the eligible recipients to develop and implement 2- or 3-year part-time master's degree programs in mathematics, science, or critical foreign language education for teachers in order to enhance the teacher's content knowledge and teaching skills.

(b) APPLICATION.—Each eligible recipient desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Each application shall describe—

(1) how a department of mathematics, science, or a critical foreign language will ensure significant collaboration with a teacher preparation program in the development of master's degree programs in mathematics, science, or a critical foreign language for teachers that enhance the teachers' content knowledge and teaching skills;

(2) the role of the local educational agency in the partnership in developing and administering the program and how feedback from the local educational agency, school, and participants will be used to improve the program;

(3) how the program will help increase the percentage of highly qualified mathematics, science, or critical foreign language teachers, including increasing the percentage of such teachers teaching in schools determined by the partnership to be most in need;

(4) how the program will—

(A) improve student academic achievement in mathematics and science and increase the number of students taking upper-level courses in such subjects; or

(B) increase the numbers of elementary school, middle school, and secondary school students enrolled and continuing in critical foreign language courses;

(5) how the program will prepare teachers to become more effective mathematics, science, or critical foreign language teachers;

(6) how the program will prepare teachers to assume leadership roles in their schools;

(7) how teachers who are members of groups that are underrepresented in the teaching of mathematics, science, or critical foreign languages and teachers from schools determined by the partnership to be most in need will be encouraged to apply for and participate in the program;

(8) the ongoing activities and services that will be provided to graduates of the program;

(9) how the partnership will continue the activities assisted under the grant when the grant period ends; and

(10) how the partnership will assess, during the program, the content knowledge and teaching skills of teachers participating in the program.

(c) AUTHORIZED ACTIVITIES.—Each eligible recipient receiving a grant under this section shall use the grant funds to develop and implement a 2- or 3-year part-time master's degree program in mathematics, science, or critical foreign language education for teachers in order to enhance the teachers' content knowledge and teaching skills. The program shall—

(1) promote effective teaching skills so the teachers participating in the program become more effective mathematics, science, or critical foreign language teachers;

(2) prepare teachers to assume leadership roles in their schools by participating in activities such as teacher mentoring, development of curricula that integrate state of the art applications of mathematics and science into the classroom, working with school administrators in establishing in-service professional development of teachers, and assisting in evaluating data and assessments to improve student academic achievement;

(3) use high-quality research, laboratory, or internship experiences for program participants that are integrated with coursework;

(4) provide student teaching or clinical classroom experience;

(5) if implementing a program in which participants are prepared to teach mathematics or science courses, provide strategies for improving student literacy;

(6) align the content knowledge in the master's degree program with challenging student academic achievement standards and challenging academic content standards established by the State in which the program is conducted;

(7) encourage the participation of—

(A) individuals who are members of groups that are underrepresented in the teaching of mathematics, science, or critical foreign languages; and

(B) teachers teaching in schools determined by the partnership to be most in need;

(8) offer tuition assistance, based on need, as appropriate; and

(9) evaluate and report on the impact of the program, in accordance with subsection (d).

(d) EVALUATION AND REPORT.—Each eligible recipient receiving a grant under this section shall evaluate, using measurable objectives and benchmarks, and provide an annual report to the Secretary regarding, the extent to which the program assisted under this section succeeded in increasing the following:

(1) The number and percentage of mathematics, science, or critical foreign language teachers who have a master's degree and meet 1 or more of the following requirements:

(A) Are teaching in schools determined by the partnership to be most in need, and taught in such schools prior to participation in the program.

(B) Are teaching in schools determined by the partnership to be most in need, and did not teach in such schools prior to participation in the program.

(C) Are members of a group underrepresented in the teaching of mathematics, science, or a critical foreign language.

(2) The retention of teachers who participate in the program.

SEC. 3115. GENERAL PROVISIONS.

(a) DURATION OF GRANTS.—The Secretary shall award each grant under this subtitle for a period of not more than 5 years.

(b) MATCHING REQUIREMENT.—Each eligible recipient that receives a grant under this section shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant (which may be provided in cash or in kind) to carry out the activities supported by the grant.

(c) SUPPLEMENT, NOT SUPPLANT.—Grant funds provided under this subtitle shall be used to supplement, and not supplant, other Federal or State funds.

(d) EVALUATION.—From amounts made available for any fiscal year under section 3116, the Secretary shall reserve such sums as may be necessary—

(1) to provide for the conduct of an annual independent evaluation, by grant or by contract, of the activities assisted under this subtitle, which shall include an assessment of the impact of the activities on student academic achievement; and

(2) to prepare and submit an annual report on the results of the evaluation described in paragraph (1) to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committees on Appropriations of the Senate and House of Representatives.

SEC. 3116. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this section $210,000,000 for fiscal year 2008, and such sums as may be necessary for each of the 3 succeeding fiscal years, of which—

(1) 57.1 percent shall be available to carry out section 3113 for fiscal year 2008 and each succeeding fiscal year; and

(2) 42.9 percent shall be available to carry out section 3114 for fiscal year 2008 and each succeeding fiscal year.

Subtitle B—Advanced Placement and International Baccalaureate Programs

SEC. 3121. PURPOSE.

It is the purpose of this subtitle—

(1) to raise academic achievement through Advanced Placement and International Baccalaureate programs by increasing, by 70,000, over a 4-year period beginning in 2008, the number of teachers serving high-need schools who are qualified to teach Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages;

(2) to increase, to 700,000 per year, the number of students attending high-need schools who—

(A) take and score a 3, 4, or 5 on an Advanced Placement examination in mathematics, science, or a critical foreign language administered by the College Board; or

(B) achieve a passing score on an examination administered by the International Baccalaureate Organization in such a subject;

(3) to increase the availability of, and enrollment in, Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages, and pre-Advanced Placement or pre-International Baccalaureate courses in such subjects, in high-need schools; and

(4) to support statewide efforts to increase the availability of, and enrollment in, Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages, and pre-Advanced Placement or pre-International Baccalaureate courses in such subjects, in high-need schools.

SEC. 3122. DEFINITIONS.

In this subtitle:

(1) ADVANCED PLACEMENT OR INTERNATIONAL BACCALAUREATE COURSE.—The term ''Advanced Placement or International Baccalaureate course'' means a course of college-level instruction provided to middle or secondary school students, terminating in an examination administered by the College Board or the International Baccalaureate Organization, or another such examination approved by the Secretary.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a State educational agency;

(B) a local educational agency; or

(C) a partnership consisting of—

(i) a national, regional, or statewide nonprofit organization, with expertise and experience in providing Advanced Placement or International Baccalaureate services; and

(ii) a State educational agency or local educational agency.

(3) LOW-INCOME STUDENT.—The term ''low-income student'' has the meaning given the term ''low-income individual'' in section 1707(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537(3)).

(4) HIGH CONCENTRATION OF LOW-INCOME STUDENTS.—The term ''high concentration of low-income students'' has the meaning given the term in section 1707(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537(2)).

(5) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term ''high-need local educational agency'' means a local educational agency or educational service agency described in 3112(3)(A).

(6) HIGH-NEED SCHOOL.—The term ''high-need school'' means a middle school or secondary school—

(A) with a pervasive need for Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages, or for additional Advanced Placement or International Baccalaureate courses in such a subject; and

(B)(i) with a high concentration of low-income students; or

(ii) designated with a school locale code of 6, 7 or 8, as determined by the Secretary.

SEC. 3123. ADVANCED PLACEMENT AND INTERNATIONAL BACCALAUREATE PROGRAMS.

(a) PROGRAM AUTHORIZED.—From the amounts appropriated under subsection (l), the Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable the eligible entities to carry out the authorized activities described in subsection (g).

(b) DURATION OF GRANTS.—The Secretary may award grants under this section for a period of not more than 5 years.

(c) COORDINATION.—The Secretary shall coordinate the activities carried out under this section with the activities carried out under section 1705 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6535).

(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible entities that are part of a statewide strategy for increasing the availability of Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages, and pre-Advanced Placement or pre-International Baccalaureate courses in such subjects, in high-need schools.

(e) EQUITABLE DISTRIBUTION.—The Secretary, to the extent practicable, shall—

(1) ensure an equitable geographic distribution of grants under this section among the States; and

(2) promote an increase in participation in Advanced Placement or International Baccalaureate mathematics, science, and critical foreign language courses and examinations in all States.

(f) APPLICATION.—

(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(2) CONTENTS.—The application shall, at a minimum, include a description of—

(A) the goals and objectives for the project, including—

(i) increasing the number of teachers serving high-need schools who are qualified to teach Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages;

(ii) increasing the number of qualified teachers serving high-need schools who are teaching Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages to students in the high-need schools;

(iii) increasing the number of Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages that are available to students attending high-need schools; and

(iv) increasing the number of students attending a high-need school, particularly low-income students, who enroll in and pass—

(I) Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages; and

(II) pre-Advanced Placement or pre-International Baccalaureate courses in such a subject (where provided in accordance with subparagraph (B));

(B) how the eligible entity will ensure that students have access to courses, including pre-Advanced Placement and pre-International Baccalaureate courses, that will prepare the students to enroll and succeed in Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages;

(C) how the eligible entity will provide professional development for teachers assisted under this section;

(D) how the eligible entity will ensure that teachers serving high-need schools are qualified to teach Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages;

(E) how the eligible entity will provide for the involvement of business and community organizations and other entities, including institutions of higher education, in the activities to be assisted; and

(F) how the eligible entity will use funds received under this section, including how the eligible entity will evaluate the success of its project.

(g) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—Each eligible entity that receives a grant under this section shall use the grant funds to carry out activities designed to increase—

(A) the number of qualified teachers serving high-need schools who are teaching Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages; and

(B) the number of students attending high-need schools who enroll in, and pass, the examinations for such Advanced Placement or International Baccalaureate courses.

(2) PERMISSIVE ACTIVITIES.—The activities described in paragraph (1) may include—

(A) teacher professional development, in order to expand the pool of teachers in the participating State, local educational agency, or high-need school who are qualified to teach Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages;

(B) pre-Advanced Placement or pre-International Baccalaureate course development and professional development;

(C) coordination and articulation between grade levels to prepare students to enroll and succeed in Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages;

(D) purchase of instructional materials;

(E) activities to increase the availability of, and participation in, online Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages;

(F) reimbursing low-income students attending high-need schools for part or all of the cost of Advanced Placement or International Baccalaureate examination fees;

(G) carrying out subsection (j), relating to collecting and reporting data;

(H) in the case of a State educational agency that receives a grant under this section, awarding subgrants to local educational agencies to enable the local educational agencies to carry out authorized activities described in subparagraphs (A) through (G); and

(I) providing salary increments or bonuses to teachers serving high-need schools who—

(i) become qualified to teach, and teach, Advanced Placement or International Baccalaureate courses in mathematics, science, or a critical foreign language; or

(ii) increase the number of low-income students, who take Advanced Placement or International Baccalaureate examinations in mathematics, science, or a critical foreign language with the goal of successfully passing such examinations.

(h) MATCHING REQUIREMENT.—

(1) IN GENERAL.—Subject to paragraph (2), each eligible entity that receives a grant under this section shall provide, toward the cost of the activities assisted under the grant, from non-Federal sources, an amount equal to 200 percent of the amount of the grant, except that an eligible entity that is a high-need local educational agency shall provide an amount equal to not more than 100 percent of the amount of the grant.

(2) WAIVER.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for an eligible entity described in subparagraph (A) or (B) of section 3122(2), if the Secretary determines that applying the matching requirement to such eligible entity would result in serious hardship or an inability to carry out the authorized activities described in subsection (g).

(i) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this section shall be used to supplement, not supplant, other Federal and non-Federal funds available to carry out the activities described in subsection (g).

(j) COLLECTING AND REPORTING REQUIREMENTS.—

(1) REPORT.—Each eligible entity receiving a grant under this section shall collect and report to the Secretary annually such data on the results of the grant as the Secretary may reasonably require, including data regarding—

(A) the number of students enrolling in Advanced Placement or International Baccalaureate courses in mathematics, science, or a critical foreign language, and pre-Advanced Placement or pre-International Baccalaureate courses in such a subject, and the distribution of grades those students receive;

(B) the number of students taking Advanced Placement or International Baccalaureate examinations in mathematics, science, or a critical foreign language, and the distribution of scores on those examinations;

(C) the number of teachers receiving training in teaching Advanced Placement or International Baccalaureate courses in mathematics, science, or a critical foreign language who will be teaching such courses in the next school year;

(D) the number of teachers becoming qualified to teach Advanced Placement or International Baccalaureate courses in mathematics, science, or a critical foreign language; and

(E) the number of qualified teachers who are teaching Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages to students in a high-need school.

(2) REPORTING OF DATA.—Each eligible entity receiving a grant under this section shall report data required under paragraph (1)—

(A) disaggregated by subject area;

(B) in the case of student data, disaggregated in the same manner as information is disaggregated under section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i)); and

(C) to the extent feasible, in a manner that allows comparison of conditions before, during, and after the project.

(k) EVALUATION AND REPORT.—From the amount made available for any fiscal year under subsection (l), the Secretary shall reserve such sums as may be necessary—

(1) to conduct an annual independent evaluation, by grant or by contract, of the program carried out under this section, which shall include an assessment of the impact of the program on student academic achievement; and

(2) to prepare and submit an annual report on the results of the evaluation described in paragraph (1) to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committees on Appropriations of the Senate and House of Representatives.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $58,000,000 for fiscal

year 2008, and such sums as may be necessary for each of the 3 succeeding fiscal years.

TITLE II—MATH NOW

SEC. 3201. MATH NOW FOR ELEMENTARY SCHOOL AND MIDDLE SCHOOL STUDENTS PROGRAM.

(a) PURPOSE.—The purpose of this section is to enable all students to reach or exceed grade-level academic achievement standards and to prepare the students to enroll in and pass algebra courses by—

(1) improving instruction in mathematics for students in kindergarten through grade 9 through the implementation of mathematics programs and the support of comprehensive mathematics initiatives that are based on the best available evidence of effectiveness; and

(2) providing targeted help to low-income students who are struggling with mathematics and whose achievement is significantly below grade level.

(b) DEFINITION OF ELIGIBLE LOCAL EDUCATIONAL AGENCY.—In this section, the term ''eligible local educational agency'' means a high-need local educational agency (as defined in section 3112(3)) serving 1 or more schools—

(1) with significant numbers or percentages of students whose mathematics skills are below grade level;

(2) that are not making adequate yearly progress in mathematics under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)); or

(3) in which students are receiving instruction in mathematics from teachers who do not have mathematical content knowledge or expertise in the teaching of mathematics.

(c) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—From the amounts appropriated under subsection (k) for any fiscal year, the Secretary is authorized to award grants, on a competitive basis, for not more than 5 years, to State educational agencies to enable the State educational agencies to award grants to eligible local educational agencies to carry out the activities described in subsection (e).

(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to applications for projects that will implement statewide strategies for improving mathematics instruction and raising the mathematics achievement of students, particularly students in grades 4 through 8.

(d) STATE USES OF FUNDS.—

(1) IN GENERAL.—Each State educational agency that receives a grant under this section for a fiscal year—

(A) shall expend not more than a total of 10 percent of the grant funds to carry out the activities described in paragraphs (2) or (3) for the fiscal year; and

(B) shall use not less than 90 percent of the grant funds to award grants, on a competitive basis, to eligible local educational agencies to enable the eligible local educational agencies to carry out the activities described in subsection (e) for the fiscal year.

(2) MANDATORY USES OF FUNDS.—A State educational agency shall use the grant funds made available under paragraph (1)(A) to carry out each of the following activities:

(A) PLANNING AND ADMINISTRATION.—Planning and administration, including—

(i) evaluating applications from eligible local educational agencies using peer review teams described in subsection (f)(1)(D);

(ii) administering the distribution of grants to eligible local educational agencies; and

(iii) assessing and evaluating, on a regular basis, eligible local educational agency activities assisted under this section, with respect to whether the activities have been effective in increasing the number of children—

(I) making progress toward meeting grade-level mathematics achievement; and

(II) meeting or exceeding grade-level mathematics achievement.

(B) REPORTING.—Annually providing the Secretary with a report on the implementation of this section as described in subsection (i).

(3) PERMISSIVE USE OF FUNDS; TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—A State educational agency may use the grant funds made available under paragraph (1)(A) for 1 or more of the following technical assistance activities that assist an eligible local educational agency, upon request by the eligible local educational agency, in accomplishing the tasks required to design and implement a project under this section, including assistance in—

(i) selecting and implementing a program of mathematics instruction, or materials and interventions, based on the best available evidence of effectiveness;

(ii) evaluating and selecting diagnostic and classroom based instructional mathematics assessments; and

(iii) identifying eligible professional development providers to conduct the professional development activities described in subsection (e)(1)(B).

(B) GUIDANCE.—The technical assistance described in subparagraph (A) shall be guided by researchers with expertise in the pedagogy of mathematics, mathematicians, and mathematics educators from high-risk, high-achievement schools and eligible local educational agencies.

(e) LOCAL USES OF FUNDS.—

(1) MANDATORY USES OF FUNDS.—Each eligible local educational agency receiving a grant under this section shall use the grant funds to carry out each of the following activities:

(A) To implement mathematics instructional materials and interventions (including intensive and systematic instruction)—

(i) for students in the grades of a participating school as identified in the application submitted under subsection (f)(2)(A); and

(ii) that are based on the best available evidence of effectiveness.

(B) To provide professional development and instructional leadership activities for teachers and, if appropriate, for administrators and other school staff, on the implementation of comprehensive mathematics initiatives designed—

(i) to improve the achievement of students performing significantly below grade level;

(ii) to improve the mathematical content knowledge of the teachers, administrators, and other school staff;

(iii) to increase the use of effective instructional practices; and

(iv) to monitor student progress.

(C) To conduct continuous progress monitoring, which may include the adoption and use of assessments that—

(i) measure student progress and identify areas in which students need help in learning mathematics; and

(ii) reflect mathematics content that is consistent with State academic achievement standards in mathematics described in section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)).

(2) PERMISSIVE USES OF FUNDS.—An eligible local educational agency may use grant funds under this section to—

(A) adopt and use mathematics instructional materials and assessments;

(B) implement classroom-based assessments, including diagnostic or formative assessments;

(C) provide remedial coursework and interventions for students, which may be provided before or after school;

(D) provide small groups with individualized instruction in mathematics;

(E) conduct activities designed to improve the content knowledge and expertise of teachers, such as the use of a mathematics coach, enrichment activities, and interdisciplinary methods of mathematics instruction; and

(F) collect and report performance data.

(f) APPLICATIONS.—

(1) STATE EDUCATIONAL AGENCY.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Each application shall include—

(A) an assurance that the core mathematics instructional materials or program, supplemental instructional materials, and intervention programs used by the eligible local educational agencies for the project, are based on the best available evidence of effectiveness and are aligned with State academic achievement standards;

(B) an assurance that eligible local educational agencies will meet the requirements described in paragraph (2);

(C) an assurance that local applications will be evaluated using a peer review process; and

(D) a description of the qualifications of the peer review teams, which shall consist of—

(i) researchers with expertise in the pedagogy of mathematics;

(ii) mathematicians; and

(iii) mathematics educators serving high-risk, high-achievement schools and eligible local educational agencies.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—Each eligible local educational agency desiring a grant under this section shall submit an application to the State educational agency at such time and in such manner as the State educational agency may require. Each application shall include—

(A) an assurance that the eligible local educational agency will provide assistance to 1 or more schools that are—

(i) served by the eligible local educational agency; and

(ii) described in section 3201(b);

(B) a description of the grades kindergarten through grade 9, and of the schools, that will be served;

(C) information, on an aggregate basis, on each school to be served by the project, including such demographic, socioeconomic, and mathematics achievement data as the State educational agency may request;

(D) a description of the core mathematics instructional materials or program, supplemental instructional materials, and intervention programs or strategies that will be used for the project, including an assurance that the programs or strategies and materials are based on the best available evidence of effectiveness and are aligned with State academic achievement standards;

(E) a description of the activities that will be carried out under the grant, including a description of the professional development that will be provided to teachers, and, if appropriate, administrators and other school staff, and a description of how the activities will support achievement of the purpose of this section;

(F) an assurance that the eligible local educational agency will report to the State educational agency all data on student academic achievement that is necessary for the State educational agency's report under subsection (i);

(G) a description of the eligible entity's plans for evaluating the impact of professional development and leadership activities in mathematics on the content knowledge

and expertise of teachers, administrators, or other school staff; and

(H) any other information the State educational agency may reasonably require.

(g) PROHIBITION ON ENDORSEMENT OF CURRICULUM.—

(1) IN GENERAL.—In implementing this section, the Secretary shall not—

(A) endorse, approve, or sanction any mathematics curriculum designed for use in any school; or

(B) engage in oversight, technical assistance, or activities that will require the adoption of a specific mathematics program or instructional materials by a State, local educational agency, or school.

(2) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to authorize or permit the Department of Education, or a Department of Education contractor, to mandate, direct, control, or suggest the selection of a mathematics curriculum, supplemental instructional materials, or program of instruction by a State, local educational agency, or school.

(h) MATCHING REQUIREMENTS.—

(1) STATE EDUCATIONAL AGENCY.—A State educational agency that receives a grant under this section shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant, in cash or in kind, to carry out the activities supported by the grant, of which not more than 20 percent of such 50 percent may be provided by local educational agencies within the State.

(2) WAIVER.—The Secretary may waive all of or a portion of the matching requirement described in paragraph (1) for any fiscal year, if the Secretary determines that—

(A) the application of the matching requirement will result in serious hardship for the State educational agency; or

(B) providing a waiver best serves the purpose of the program assisted under this section.

(i) PROGRAM PERFORMANCE AND ACCOUNTABILITY.—

(1) INFORMATION.—Each State educational agency receiving a grant under this section shall collect and report to the Secretary annually such information on the results of the grant as the Secretary may reasonably require, including information on—

(A) mathematics achievement data that show the progress of students participating in projects under this section (including, to the extent practicable, comparable data from students not participating in such projects), based primarily on the results of State, school district wide, or classroom-based, assessments, including—

(i) specific identification of those schools and eligible local educational agencies that report the largest gains in mathematics achievement; and

(ii) evidence on whether the State educational agency and eligible local educational agencies within the State have—

(I) significantly increased the number of students achieving at grade level or above in mathematics;

(II) significantly increased the percentages of students described in section 1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II)) who are achieving at grade level or above in mathematics;

(III) significantly increased the number of students making significant progress toward meeting grade-level mathematics achievement standards; and

(IV) successfully implemented this section;

(B) the percentage of students in the schools served by the eligible local educational agency who enroll in algebra courses and the percentage of such students who pass algebra courses; and

(C) the progress made in increasing the quality and accessibility of professional development and leadership activities in mathematics, especially activities resulting in greater content knowledge and expertise of teachers, administrators, and other school staff, except that the Secretary shall not require such information until after the third year of a grant awarded under this section.

(2) REPORTING AND DISAGGREGATION.—The information required under paragraph (1) shall be—

(A) reported in a manner that allows for a comparison of aggregated score differentials of student academic achievement before (to the extent feasible) and after implementation of the project assisted under this section; and

(B) disaggregated in the same manner as information is disaggregated under section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i)).

(3) PRIVACY PROTECTION.—The data in the report shall be reported in a manner that—

(A) protects the privacy of individuals; and

(B) complies with the requirements of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g).

(j) EVALUATION AND TECHNICAL ASSISTANCE.—

(1) EVALUATION.—

(A) IN GENERAL.—The Secretary shall conduct an annual independent evaluation, by grant or by contract, of the program assisted under this section, which shall include an assessment of the impact of the program on student academic achievement and teacher performance, and may use funds available to carry out this section to conduct the evaluation.

(B) REPORT.—The Secretary shall annually submit, to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committees on Appropriations of the Senate and House of Representatives, a report on the results of the evaluation.

(2) TECHNICAL ASSISTANCE.—The Secretary may use funds made available under paragraph (3) to provide technical assistance to prospective applicants and to eligible local educational agencies receiving a grant under this section.

(3) RESERVATION OF FUNDS.—The Secretary may reserve not more than 2.5 percent of funds appropriated under subsection (k) for a fiscal year to carry out this subsection.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $146,700,000 for fiscal year 2008, and such sums as may be necessary for each of the 3 succeeding fiscal years.

TITLE III—FOREIGN LANGUAGE PARTNERSHIP PROGRAM

SEC. 3301. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States faces a shortage of skilled professionals with higher levels of proficiency in foreign languages and area knowledge critical to the Nation's security.

(2) Given the Nation's economic competitiveness interests, it is crucial that our Nation expand the number of Americans who are able to function effectively in the environments in which critical foreign languages are spoken.

(3) Students' ability to become proficient in foreign languages can be addressed by starting language learning at a younger age and expanding opportunities for continuous foreign language education from elementary school through postsecondary education.

(b) PURPOSE.—The purpose of this title is to significantly increase—

(1) the opportunities to study critical foreign languages and the context in which the critical foreign languages are spoken; and

(2) the number of American students who achieve the highest level of proficiency in critical foreign languages.

SEC. 3302. DEFINITIONS.

In this title:

(1) ELIGIBLE RECIPIENT.—The term ''eligible recipient'' means an institution of higher education that receives grant funds under this title on behalf of a partnership for use in carrying out the activities assisted under this title.

(2) PARTNERSHIP.—The term ''partnership'' means a partnership that—

(A) shall include—

(i) an institution of higher education; and

(ii) 1 or more local educational agencies; and

(B) may include 1 or more entities that support the purposes of this title.

(3) SUPERIOR LEVEL OF PROFICIENCY.—The term ''superior level of proficiency'' means level 3, the professional working level, as measured by the Federal Interagency Language Roundtable (ILR) or by other generally recognized measures of superior standards.

SEC. 3303. PROGRAM AUTHORIZED.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants to eligible recipients to enable partnerships served by the eligible recipients to establish articulated programs of study in critical foreign languages that will enable students to advance successfully from elementary school through postsecondary education and achieve higher levels of proficiency in a critical foreign language.

(2) DURATION.—A grant awarded under paragraph (1) shall be for a period of not more than 5 years. A grant may be renewed for not more than 2 additional 5-year periods, if the Secretary determines that the partnership's program is effective and the renewal will best serve the purposes of this title.

(b) APPLICATIONS.—

(1) IN GENERAL.—Each eligible recipient desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(2) CONTENTS.—Each application shall—

(A) identify each local educational agency partner, including contact information and letters of commitment, and describe the responsibilities of each member of the partnership, including—

(i) how each of the partners will be involved in planning, developing, and implementing—

(I) program curriculum and materials; and

(II) teacher professional development;

(ii) what resources each of the partners will provide; and

(iii) how the partners will contribute to ensuring the continuity of student progress from elementary school through the postsecondary level;

(B) describe how an articulated curriculum for students will be developed and implemented, which may include the use and integration of technology into such curriculum;

(C) identify target proficiency levels for students at critical benchmarks (such as grades 4, 8, and 12), and describe how progress toward those proficiency levels will be assessed at the benchmarks, and how the program will use the results of the assessments to ensure continuous progress toward achieving a superior level of proficiency at the postsecondary level;

(D) describe how the partnership will—

(i) ensure that students from a program assisted under this title who are beginning

postsecondary education will be assessed and enabled to progress to a superior level of proficiency;

(ii) address the needs of students already at, or near, the superior level of proficiency, which may include diagnostic assessments for placement purposes, customized and individualized language learning opportunities, and experimental and interdisciplinary language learning; and

(iii) identify and describe how the partnership will work with institutions of higher education outside the partnership to provide participating students with multiple options for postsecondary education consistent with the purposes of this title;

(E) describe how the partnership will support and continue the program after the grant has expired, including how the partnership will seek support from other sources, such as State and local governments, foundations, and the private sector; and

(F) describe what assessments will be used or, if assessments not available, how assessments will be developed.

(c) USES OF FUNDS.—Grant funds awarded under this title—

(1) shall be used to develop and implement programs at the elementary school level through postsecondary education, consistent with the purpose of this title, including—

(A) the development of curriculum and instructional materials; and

(B) recruitment of students; and

(2) may be used for—

(A) teacher recruitment (including recruitment from other professions and recruitment of native-language speakers in the community) and professional development directly related to the purposes of this title at the elementary school through secondary school levels;

(B) development of appropriate assessments;

(C) opportunities for maximum language exposure for students in the program, such as the creation of immersion environments (such as language houses, language tables, immersion classrooms, and weekend and summer experiences) and special tutoring and academic support;

(D) dual language immersion programs;

(E) scholarships and study-abroad opportunities, related to the program, for postsecondary students and newly recruited teachers who have advanced levels of proficiency in a critical foreign language, except that not more than 20 percent of the grant funds provided to an eligible recipient under this section for a fiscal year may be used to carry out this subparagraph;

(F) activities to encourage community involvement to assist in meeting the purposes of this title;

(G) summer institutes for students and teachers;

(H) bridge programs that allow dual enrollment for secondary school students in institutions of higher education;

(I) programs that expand the understanding and knowledge of historic, geographic, and contextual factors within countries with populations who speak critical foreign languages, if such programs are carried out in conjunction with language instruction;

(J) research on, and evaluation of, the teaching of critical foreign languages;

(K) data collection and analysis regarding the results of—

(i) various student recruitment strategies;

(ii) program design; and

(iii) curricular approaches; and

(L) the impact of the strategies, program design, and curricular approaches described in subparagraph (K) on increasing—

(i) the number of students studying critical foreign languages; and

(ii) the proficiency of the students in the critical foreign languages.

(d) MATCHING REQUIREMENT.—

(1) IN GENERAL.—An eligible recipient that receives a grant under this title shall provide, toward the cost of carrying out the activities supported by the grant, from non-Federal sources, an amount equal to—

(A) 20 percent of the amount of the grant payment for the first fiscal year for which a grant payment is made;

(B) 30 percent of the amount of the grant payment for the second such fiscal year;

(C) 40 percent of the amount of the grant payment for the third such fiscal year; and

(D) 50 percent of the amount of the grant payment for each of the fourth and fifth such fiscal years.

(2) NON-FEDERAL SHARE.—The non-Federal share required under paragraph (1) may be provided in cash or in-kind.

(3) WAIVER.—The Secretary may waive all or part of the matching requirement of paragraph (1), for any fiscal year, if the Secretary determines that—

(A) the application of the matching requirement will result in serious hardship for the partnership; or

(B) the waiver will best serve the purposes of this title.

(e) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this title shall be used to supplement, not supplant, other Federal and non-Federal funds available to carry out the activities described in subsection (c).

(f) TECHNICAL ASSISTANCE.—The Secretary shall enter into a contract to establish a technical assistance center to provide technical assistance to partnerships developing critical foreign language programs assisted under this section. The center shall—

(1) assist the partnerships in the development of critical foreign language instructional materials and assessments; and

(2) disseminate promising foreign language instructional practices.

(g) PROGRAM EVALUATION.—

(1) IN GENERAL.—The Secretary may reserve not more than 5 percent of the total amount appropriated for this title for any fiscal year to annually evaluate the programs under this title.

(2) REPORT.—The Secretary shall prepare and annually submit, to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committees on Appropriations of the Senate and House of Representatives, a report on the results of any program evaluation conducted under this subsection.

SEC. 3304. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this title, there are authorized to be appropriated $22,000,000 for fiscal year 2008, and such sums as may be necessary for each of the 3 succeeding fiscal years.

TITLE IV—ALIGNMENT OF EDUCATION PROGRAMS

SEC. 3401. ALIGNMENT OF SECONDARY SCHOOL GRADUATION REQUIREMENTS WITH THE DEMANDS OF 21ST CENTURY POSTSECONDARY ENDEAVORS AND SUPPORT FOR P–16 EDUCATION DATA SYSTEMS.

(a) PURPOSE.—It is the purpose of this section—

(1) to promote more accountability with respect to preparation for higher education, the 21st century workforce, and the Armed Forces, by aligning—

(A) student knowledge, student skills, State academic content standards and assessments, and curricula, in elementary and secondary education, especially with respect to mathematics, science, reading, and, where applicable, engineering and technology; with

(B) the demands of higher education, the 21st century workforce, and the Armed Forces;

(2) to support the establishment or improvement of statewide P–16 education data systems that—

(A) assist States in improving the rigor and quality of elementary and secondary education content knowledge requirements and assessments;

(B) ensure students are prepared to succeed in—

(i) academic credit-bearing coursework in higher education without the need for remediation;

(ii) the 21st century workforce; or

(iii) the Armed Forces; and

(3) enable States to have valid and reliable information to inform education policy and practice.

(b) DEFINITIONS.—In this section:

(1) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(2) P–16 EDUCATION.—The term ''P–16 education'' means the educational system from prekindergarten through the conferring of a baccalaureate degree.

(3) STATEWIDE PARTNERSHIP.—The term ''statewide partnership'' means a partnership that—

(A) shall include—

(i) the Governor of the State or the designee of the Governor;

(ii) the heads of the State systems for public higher education, or, if such a position does not exist, not less than 1 representative of a public degree-granting institution of higher education;

(iii) not less than 1 representative of a technical school;

(iv) not less than 1 representative of a public secondary school;

(v) the chief State school officer;

(vi) the chief executive officer of the State higher education coordinating board;

(vii) not less than 1 public elementary school teacher employed in the State;

(viii) not less than 1 public elementary school teacher certified in early childhood education;

(ix) not less than 1 public secondary school teacher employed in the State;

(x) not less than 1 representative of the business community in the State; and

(xi) not less than 1 member of the Armed Forces; and

(B) may include other individuals or representatives of other organizations, such as a school administrator, a faculty member at an institution of higher education, a member of a civic or community organization, a representative from a private institution of higher education, a dean or similar representative of a school of education at an institution of higher education or a similar teacher certification or licensure program, or the State official responsible for economic development.

(c) GRANTS AUTHORIZED.—The Secretary is authorized to award grants, on a competitive basis, to States to enable each such State to work with a statewide partnership—

(1) to promote better alignment of content knowledge requirements for secondary school graduation with the knowledge and skills needed to succeed in postsecondary education, the 21st century workforce, or the Armed Forces; or

(2) to establish or improve a statewide P–16 education data system.

(d) PERIOD OF GRANTS; NON-RENEWABILITY.—

(1) GRANT PERIOD.—The Secretary shall award a grant under this section for a period of not more than 3 years.

(2) NON-RENEWABILITY.—The Secretary shall not award a State more than 1 grant under this section.

(e) AUTHORIZED ACTIVITIES.—

(1) GRANTS FOR P–16 ALIGNMENT.—Each State receiving a grant under subsection (c)(1)—

(A) shall use the grant funds for—

(i) identifying and describing the content knowledge and skills students who enter institutions of higher education, the workforce, and the Armed Forces need to have in order to succeed without any remediation based on detailed requirements obtained from institutions of higher education, employers, and the Armed Forces;

(ii) identifying and making changes that need to be made to a State's secondary school graduation requirements, academic content standards, academic achievement standards, and assessments preceding graduation from secondary school in order to align the requirements, standards, and assessments with the knowledge and skills necessary for success in academic credit-bearing coursework in postsecondary education, in the 21st century workforce, and in the Armed Forces without the need for remediation;

(iii) convening stakeholders within the State and creating a forum for identifying and deliberating on education issues that—

(I) involve prekindergarten through grade 12 education, postsecondary education, the 21st century workforce, and the Armed Forces; and

(II) transcend any single system of education's ability to address; and

(iv) implementing activities designed to ensure the enrollment of all elementary school and secondary school students in rigorous coursework, which may include—

(I) specifying the courses and performance levels necessary for acceptance into institutions of higher education; and

(II) developing curricula and assessments aligned with State academic content standards, which assessments may be used as measures of student academic achievement in secondary school as well as for entrance or placement at institutions of higher education, including through collaboration with institutions of higher education in, or State educational agencies serving, other States; and

(B) may use the grant funds for—

(i) developing and making available specific opportunities for extensive professional development for teachers, paraprofessionals, principals, and school administrators, including collection and dissemination of effective teaching practices to improve instruction and instructional support mechanisms;

(ii) identifying changes in State academic content standards, academic achievement standards, and assessments for students in grades preceding secondary school in order to ensure the students are adequately prepared when the students enter secondary school;

(iii) developing a plan to provide remediation and additional learning opportunities for students who are performing below grade level to ensure that all students will have the opportunity to meet secondary school graduation requirements; or

(iv) identifying and addressing teacher certification needs.

(2) GRANTS FOR STATEWIDE P–16 EDUCATION DATA SYSTEMS.—

(A) ESTABLISHMENT OF SYSTEM.—Each State that receives a grant under subsection (c)(2) shall establish a statewide P–16 education longitudinal data system that—

(i) provides each student, upon enrollment in a public elementary school or secondary school in the State, with a unique identifier, such as a bar code, that—

(I) does not permit a student to be individually identified by users of the system; and

(II) is retained throughout the student's enrollment in P–16 education in the State; and

(ii) meets the requirements of subparagraphs (B) through (E).

(B) IMPROVEMENT OF EXISTING SYSTEM.—Each State that receives a grant under subsection (c)(2) for the improvement of a statewide P–16 education data system may employ, coordinate, or revise an existing statewide data system to establish a statewide longitudinal P–16 education data system that meets the requirements of subparagraph (A), if the statewide longitudinal P–16 education data system produces valid and reliable data.

(C) DATA AND COMPLIANCE WITH FERPA.—The State, through the implementation of the statewide P–16 education data system, shall—

(i) ensure the implementation and use of valid and reliable secondary school dropout data; and

(ii) ensure that the statewide P–16 education data system meets the requirements of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g).

(D) REQUIRED ELEMENTS OF A STATEWIDE P–16 EDUCATION DATA SYSTEM.—The State shall ensure that the statewide P–16 education data system includes the following elements:

(i) PREKINDERGARTEN THROUGH GRADE 12 EDUCATION AND POSTSECONDARY EDUCATION.—With respect to prekindergarten through grade 12 education and postsecondary education—

(I) a unique statewide student identifier that does not permit a student to be individually identified by users of the system;

(II) student-level enrollment, demographic, and program participation information;

(III) student-level information about the points at which students exit, transfer in, transfer out, drop out, or complete P–16 education programs;

(IV) the capacity to communicate with higher education data systems; and

(V) a State data audit system assessing data quality, validity, and reliability.

(ii) PREKINDERGARTEN THROUGH GRADE 12 EDUCATION.—With respect to prekindergarten through grade 12 education—

(I) yearly test records of individual students with respect to assessments under section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b));

(II) information on students not tested by grade and subject;

(III) a teacher identifier system with the ability to match teachers to students;

(IV) student-level transcript information, including information on courses completed and grades earned; and

(V) student-level college readiness test scores.

(iii) POSTSECONDARY EDUCATION.—With respect to postsecondary education, data that provide—

(I) information regarding the extent to which students transition successfully from secondary school to postsecondary education, including whether students enroll in remedial coursework; and

(II) other information determined necessary to address alignment and adequate preparation for success in postsecondary education.

(E) FUNCTIONS OF THE STATEWIDE P–16 EDUCATION DATA SYSTEM.—In implementing the statewide P–16 education data system, the State shall—

(i) identify factors that correlate to students' ability to successfully engage in and complete postsecondary-level general education coursework without the need for prior developmental coursework;

(ii) identify factors to increase the percentage of low-income and minority students who are academically prepared to enter and successfully complete postsecondary-level general education coursework; and

(iii) use the data in the system to otherwise inform education policy and practice in order to better align student knowledge and skills, and curricula, with the demands of postsecondary education, the 21st century workforce, and the Armed Forces.

(f) APPLICATION.—

(1) IN GENERAL.—Each State desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(2) APPLICATION CONTENTS.—Each application submitted under this section shall specify whether the State application is for the conduct P–16 education alignment activities, or the establishment or improvement of a statewide P–16 education data system. The application shall include, at a minimum, the following:

(A) A description of the activities and programs to be carried out with the grant funds and a comprehensive plan for carrying out the activities.

(B) A description of how the concerns and interests of the larger education community, including parents, students, teachers, teacher educators, principals, and school administrators will be represented in carrying out the authorized activities described in subsection (e).

(C) in the case of a State applying for funding for P–16 education alignment, a description of how the State will provide assistance to local educational agencies in implementing rigorous State content knowledge requirements through substantive curricula and other changes the State determines necessary, including scientifically based remediation and acceleration opportunities for students.

(D) in the case of a State applying for funding to establish or improve a statewide P–16 education data system—

(i) a description of and the timetable for the establishment or improvement of such system; and

(ii) an assurance that the State will continue to fund the statewide P–16 education data system after the end of the grant period.

(g) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this section shall be used to supplement, not supplant, other Federal, State, and local funds available to carry out the authorized activities described in subsection (e).

(h) MATCHING REQUIREMENT.—Each State that receives a grant under this section shall provide, from non-Federal sources, an amount equal to 100 percent of the amount of the grant, in cash or in kind, to carry out the activities supported by the grant.

(i) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require States to provide raw data to the Secretary.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $100,000,000 for fiscal year 2008 and such sums as may be necessary for fiscal year 2009.

DIVISION D—NATIONAL SCIENCE FOUNDATION

SEC. 4001. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the National Science Foundation—

(1) $6,808,000,000 for fiscal year 2008;

(2) $7,433,000,000 for fiscal year 2009;

(3) $8,446,000,000 for fiscal year 2010; and

(4) $11,200,000,000 for fiscal year 2011.

(b) PLAN FOR INCREASED RESEARCH.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Science Foundation, in consultation with the National Science Board, shall submit a comprehensive, multiyear plan that describes how the funds authorized in subsection (a) would be used, if appropriated, to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Science of the House of Representatives.

(2) PLAN REQUIREMENTS.—The Director shall—

(A) develop the plan with a focus on strengthening the Nation's lead in physical science and technology, increasing overall workforce skills in physical science, technology, engineering, and mathematics at all levels, and strengthening innovation by expanding the focus of competitiveness and innovation policy at the regional and local level; and

(B) emphasize spending increased research funds appropriated pursuant to subsection (a) in areas of investment for Federal research and technology programs identified under section 1101(c) of this Act.

SEC. 4002. STRENGTHENING OF EDUCATION AND HUMAN RESOURCES DIRECTORATE THROUGH EQUITABLE DISTRIBUTION OF NEW FUNDS.

(a) PURPOSE.—The purpose of this section is to ensure the continued involvement of experts at the National Science Foundation in improving science, technology, engineering, and mathematics education at the elementary, secondary, and postsecondary school levels by providing annual funding increases for the education and human resources programs of the National Science Foundation that are proportional to the funding increases provided to the Foundation overall.

(b) EQUITABLE DISTRIBUTION OF NEW FUNDS.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated for the education and human resources programs of the National Science Foundation, for each of the fiscal years 2008 through 2011, an amount equal to $1,050,000,000 increased for each such fiscal year by an amount equal to the percentage increase in the appropriation for the National Science Foundation for such fiscal year above the amount appropriated to the National Science Foundation for fiscal year 2007.

SEC. 4003. GRADUATE FELLOWSHIPS AND GRADUATE TRAINEESHIPS.

(a) GRADUATE RESEARCH FELLOWSHIP PROGRAM.—

(1) IN GENERAL.—During the 5-year period beginning on the date of the enactment of this Act, the Director of the National Science Foundation shall expand the Graduate Research Fellowship Program of the National Science Foundation so that an additional 1,250 fellowships are awarded to citizens or nationals of the United States or eligible lawful permanent residents under the Program during that period.

(2) EXTENSION OF FELLOWSHIP PERIOD.—The Director is authorized to award fellowships under the Graduate Research Fellowship Program for a period of up to 5 years.

(3) AUTHORIZATION OF APPROPRIATIONS.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated, to provide an additional 250 fellowships under the Graduate Research Fellowship Program during each of the fiscal years 2008 through 2011, the following:

(A) $24,000,000 for fiscal year 2008.

(B) $36,000,000 for fiscal year 2009.

(C) $48,000,000 for fiscal year 2010.

(D) $60,000,000 for fiscal year 2011.

(b) INTEGRATIVE GRADUATE EDUCATION AND RESEARCH TRAINEESHIP PROGRAM.—

(1) IN GENERAL.—During the 5-year period beginning on the date of the enactment of this Act, the Director shall expand the Integrative Graduate Education and Research Traineeship program of the National Science Foundation so that an additional 1,250 individuals who are citizens or nationals of the United States or eligible lawful permanent residents are awarded grants under the program during that period.

(2) AUTHORIZATION OF APPROPRIATIONS.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated, to provide grants to an additional 250 individuals under the Integrative Graduate Education and Research Traineeship program during each of the fiscal years 2008 through 2011, the following:

(A) $22,000,000 for fiscal year 2008.

(B) $33,000,000 for fiscal year 2009.

(C) $44,000,000 for fiscal year 2010.

(D) $55,000,000 for fiscal year 2011.

(c) DEFINITION OF ELIGIBLE LAWFUL PERMANENT RESIDENT.—In this section, the term ''eligible lawful permanent resident'' means a lawful permanent resident of the United States who declares an intent—

(1) to apply for United States citizenship; or

(2) to reside in the United States for not less than 5 years after the completion of a graduate fellowship or traineeship awarded under this section.

SEC. 4004. PROFESSIONAL SCIENCE MASTER'S DEGREE PROGRAMS.

(a) CLEARINGHOUSE.—

(1) DEVELOPMENT.—The Director of the National Science Foundation shall establish a clearinghouse, in collaboration with 4-year institutions of higher education (including applicable graduate schools and academic departments), and industries and Federal agencies that employ science-trained personnel, to share program elements used in successful professional science master's degree programs and other advanced degree programs related to science, mathematics, technology, and engineering.

(2) AVAILABILITY.—The Director shall make the clearinghouse of program elements developed under paragraph (1) available to institutions of higher education that are developing professional science master's degree programs.

(b) PROGRAMS.—

(1) PROGRAMS AUTHORIZED.—The Director shall award grants to 4-year institutions of higher education to facilitate the institutions' creation or improvement of professional science master's degree programs.

(2) APPLICATION.—A 4-year institution of higher education desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Director may require. The application shall include—

(A) a description of the professional science master's degree program that the institution of higher education will implement;

(B) the amount of funding from non-Federal sources, including from private industries, that the institution of higher education shall use to support the professional science master's degree program; and

(C) an assurance that the institution of higher education shall encourage students in the professional science master's degree program to apply for all forms of Federal assistance available to such students, including applicable graduate fellowships and student financial assistance under titles IV and VII of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq., 1133 et seq.).

(3) PREFERENCE FOR APPLICANTS WITH ALTERNATIVE FUNDING SOURCES.—The Director shall give preference in making awards to 4-year institutions of higher education seeking Federal funding to create or improve professional science master's degree programs, to those applicants that secure more than ⅔ of the funding for such professional science master's degree programs from sources other than the Federal Government.

(4) NUMBER OF GRANTS; TIME PERIOD OF GRANTS.—

(A) NUMBER OF GRANTS.—Subject to the availability of appropriated funds, the Director shall award grants under paragraph (1) to a maximum of 200 4-year institutions of higher education.

(B) TIME PERIOD OF GRANTS.—Grants awarded under this section shall be for one 3-year term. Grants may be renewed only once for a maximum of 2 additional years.

(5) EVALUATION AND REPORTS.—

(A) DEVELOPMENT OF PERFORMANCE BENCHMARKS.—Prior to the start of the grant program, the Director of the National Science Foundation, in collaboration with 4-year institutions of higher education (including applicable graduate schools and academic departments), and industries and Federal agencies that employ science-trained personnel, shall develop performance benchmarks to evaluate the pilot programs assisted by grants under this section.

(B) EVALUATION.—For each year of the grant period, the Director, in consultation with 4-year institutions of higher education (including applicable graduate schools and academic departments), and industries and Federal agencies that employ science-trained personnel, shall complete an evaluation of each program assisted by grants under this section. Any program that fails to satisfy the performance benchmarks developed under subparagraph (A) shall not be eligible for further funding.

(C) REPORT.—Not later than 180 days after the completion of an evaluation described in subparagraph (B), the Director shall submit a report to Congress that includes—

(i) the results of the evaluation described in subparagraph (B); and

(ii) recommendations for administrative and legislative action that could optimize the effectiveness of the pilot programs, as the Director determines to be appropriate.

(c) INSTITUTION OF HIGHER EDUCATION DEFINED.—In this section, the term ''institution of higher education'' has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(d) AUTHORIZATION OF APPROPRIATIONS.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated to carry out this section—

(1) $15,000,000 for fiscal year 2008;

(2) $18,000,000 for fiscal year 2009; and

(3) $20,000,000 for each of the fiscal years 2010 and 2011.

SEC. 4005. INCREASED SUPPORT FOR SCIENCE EDUCATION THROUGH THE NATIONAL SCIENCE FOUNDATION.

(a) IN GENERAL.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated to carry out the science, mathematics, engineering, and technology talent expansion program under section 8(7) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368, 116 Stat. 3042)—

(1) $40,000,000 for fiscal year 2008;

(2) $45,000,000 for fiscal year 2009;

(3) $50,000,000 for fiscal year 2010; and

(4) $55,000,000 for fiscal year 2011.

(b) PROMOTING OUTREACH AND HIGH QUALITY.—Section 8(7)(C) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368, 116 Stat. 3042) is amended—

(1) by redesignating clauses (i) through (vi) as subclauses (I) through (VI), respectively, and indenting appropriately;

(2) by striking ''include those that promote high quality—'' and inserting ''include programs that—

''(i) promote high-quality—'';

(3) in clause (i) (as inserted by paragraph (2))—

(A) in subclause (III) (as redesignated by paragraph (1)), by striking ''for students;'' and inserting ''for students, especially underrepresented minority and female mathematics, science, engineering, and technology students;'';

(B) in subclause (V) (as redesignated by paragraph (1)), by striking ''and'' after the semicolon;

(C) in subclause (VI) (as redesignated by paragraph (1)), by striking ''students.'' and inserting ''students; and''; and

(D) by adding at the end the following:

''(VII) outreach programs that provide middle and secondary school students and their science and math teachers opportunities to increase the students' and teachers' exposure to engineering and technology;''; and

(4) by adding at the end the following:

''(ii) finance summer internships for mathematics, science, engineering, and technology undergraduate students;

''(iii) facilitate the hiring of additional mathematics, science, engineering, and technology faculty; and

''(iv) serve as bridges to enable underrepresented minority and female secondary school students to obtain extra mathematics, science, engineering, and technology training prior to entering an institution of higher education.''.

SEC. 4006. MEETING CRITICAL NATIONAL SCIENCE NEEDS.

(a) IN GENERAL.—In addition to any other criteria, the Director of the National Science Foundation shall include consideration of the degree to which awards and research activities that otherwise qualify for support by the National Science Foundation may assist in meeting critical national needs in innovation, competitiveness, the physical and natural sciences, technology, engineering, and mathematics.

(b) PRIORITY TREATMENT.—The Director shall give priority in the selection of awards and the allocation of National Science Foundation resources to proposed research activities, and grants funded under the National Science Foundation's Research and Related Activities Account, that can be expected to make contributions in physical or natural science, technology, engineering, or mathematics, or that enhance competitiveness or innovation in the United States.

(c) LIMITATION.—Nothing in this section shall be construed to restrict or bias the grant selection process against funding other areas of research deemed by the National Science Foundation to be consistent with its mandate nor to change the core mission of the National Science Foundation.

SEC. 4007. REAFFIRMATION OF THE MERIT-REVIEW PROCESS OF THE NATIONAL SCIENCE FOUNDATION.

Nothing in this division or division A, or the amendments made by this division or division A, shall be interpreted to require or recommend that the National Science Foundation—

(1) alter or modify its merit-review system or peer-review process; or

(2) exclude the awarding of any proposal by means of the merit-review or peer-review process.

SEC. 4008. EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated to the National Science Foundation for the Experimental Program to Stimulate Competitive Research authorized under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g), for each of fiscal years 2008 through 2011, an amount equal to $125,000,000 increased for each such year by an amount equal to the percentage increase in the appropriation for the National Science Foundation for such fiscal year above the total amount appropriated to the National Science Foundation for fiscal year 2007.

SEC. 4009. ENCOURAGING PARTICIPATION.

(a) MENTORING PROGRAM.—The Director of the National Science Foundation shall establish a program to recruit and provide mentors for women who are interested in careers in science, technology, engineering, and mathematics by pairing such women who are in science, technology, engineering, or mathematics programs of study in secondary school, community college, undergraduate or graduate school with mentors who are working in industry.

(b) ADDITIONAL LEARNING PROGRAM.—The Director shall also establish a program to provide grants to community colleges to provide additional learning and other appropriate training to allow women to enter higher-paying technical jobs in fields related to science, technology, engineering, or mathematics.

(c) APPLICATIONS.—An institution of higher education, including a community college, desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Director may require.

(d) PROGRAM EVALUATION.—The Director shall establish metrics to evaluate the success of the programs established under subsections (a) and (b) annually and report the findings and conclusions of the evaluations annually to Congress.

SEC. 4010. CYBERINFRASTRUCTURE.

In order to continue and expand efforts to ensure that research institutions throughout the Nation can fully participate in research programs of the National Science Foundation and collaborate with colleagues throughout the nation, the Director of the National Science Foundation, within 180 days after the date of enactment of this Act, shall develop and publish a plan that describes the current status of broadband access for scientific research purposes in States located in EPSCoR-eligible jurisdictions and outlines actions which can be taken to ensure that such connections are available to enable participation in those National Science Foundation programs which rely heavily on high-speed networking and collaborations across institutions and regions.

SEC. 4011. FEDERAL INFORMATION AND COMMUNICATIONS TECHNOLOGY RESEARCH.

(a) ADVANCED INFORMATION AND COMMUNICATIONS TECHNOLOGY RESEARCH.—

(1) NATIONAL SCIENCE FOUNDATION INFORMATION AND COMMUNICATIONS TECHNOLOGY RESEARCH.—The Director of the National Science Foundation shall establish a program of basic research in advanced information and communications technologies focused on enhancing or facilitating the availability and affordability of advanced communications services to all people of the United States. In developing and carrying out the program, the Director shall consult with the Board established under paragraph (2).

(2) FEDERAL ADVANCED INFORMATION AND COMMUNICATIONS TECHNOLOGY RESEARCH BOARD.—There is established within the National Science Foundation a Federal Advanced Information and Communications Technology Research Board (referred to in this subsection as ''the Board'') which shall advise the Director of the National Science Foundation in carrying out the program authorized under paragraph (1). The Board shall be composed of individuals with expertise in information and communications technologies, including representatives from the National Telecommunications and Information Administration, the Federal Communications Commission, the National Institute of Standards and Technology, and the Department of Defense, and representatives from industry and educational institutions.

(3) GRANT PROGRAM.—The Director of the National Science Foundation, in consultation with the Board, shall award grants for basic research into advanced information and communications technologies that will contribute to enhancing or facilitating the availability and affordability of advanced communications services to all people of the United States. Areas of research to be supported through the grants include—

(A) affordable broadband access, including wireless technologies;

(B) network security and reliability;

(C) communications interoperability;

(D) networking protocols and architectures, including resilience to outages or attacks;

(E) trusted software;

(F) privacy;

(G) nanoelectronics for communications applications;

(H) low-power communications electronics;

(I) implementation of equitable access to national advanced fiber optic research and educational networks in noncontiguous States; and

(J) such other related areas as the Director, in consultation with the Board, finds appropriate.

(4) CENTERS.—The Director shall award multiyear grants, subject to the availability of appropriations, to institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), nonprofit research institutions affiliated with institutions of higher education, or consortia thereof to establish multidisciplinary Centers for Communications Research. The purpose of the Centers shall be to generate innovative approaches to problems in communications and information technology research, including the research areas described in paragraph (3). Institutions of higher education, nonprofit research institutions affiliated with institutions of higher education, or consortia receiving such grants may partner with 1 or more government laboratories or for-profit entities, or other institutions of higher education or nonprofit research institutions.

(5) APPLICATIONS.—The Director of the National Science Foundation, in consultation with the Board, shall establish criteria for the award of grants under paragraphs (3) and (4). Such grants shall be awarded under the programs on a merit-reviewed competitive basis. The Director shall give priority to grants that offer the potential for revolutionary rather than evolutionary breakthroughs.

(6) AUTHORIZATION OF APPROPRIATIONS.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated to the National Science Foundation to carry out this subsection—

(A) $45,000,000 for fiscal year 2008;

(B) $50,000,000 for fiscal year 2009;

(C) $55,000,000 for fiscal year 2010; and

(D) $60,000,000 for fiscal year 2011.

(b) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY RESPONSIBILITIES.—The Director of the National Institute of Standards and Technology shall continue to support research and support standards development in

advanced information and communications technologies focused on enhancing or facilitating the availability and affordability of advanced communications services to all people of the United States, in order to implement the Institute's responsibilities under section 2(c)(12) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)(12)). The Director shall support intramural research and cooperative research with institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) and industry.

SEC. 4012. ROBERT NOYCE TEACHER SCHOLARSHIP PROGRAM.

(a) IN GENERAL.—Section 10 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1) is amended—

(1) in the section heading, by inserting ''**TEACHER**'' after ''**NOYCE**'';

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''to provide scholarships, stipends, and programming designed'';

(ii) by inserting ''and to provide scholarships and stipends to students participating in the program'' after ''science teachers''; and

(iii) by inserting ''Teacher'' after ''Noyce'';

(B) in paragraph (3)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i)—

(aa) by striking ''encourage top college juniors and seniors majoring in'' and inserting ''recruit and prepare undergraduate students to pursue degrees in''; and

(bb) by striking ''to become'' and inserting ''and become qualified as'';

(II) in clause (ii)—

(aa) by striking ''programs to help scholarship recipients'' and inserting ''academic courses and clinical teaching experiences designed to prepare students participating in the program'';

(bb) by striking ''programs that will result in'' and inserting ''such preparation as is necessary to meet requirements for''; and

(cc) by striking ''licensing; and'' and inserting ''licensing;'';

(III) in clause (iii)—

(aa) by striking ''scholarship recipients'' and inserting ''students participating in the program'';

(bb) by striking ''enable the recipients'' and inserting ''enable the students''; and

(cc) by striking ''; or'' and inserting ''; and''; and

(IV) by adding at the end the following:

''(iv) providing summer internships for freshman and sophomore students participating in the program; or''; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i)—

(aa) by striking ''encourage'' and inserting ''recruit and prepare''; and

(bb) by inserting ''qualified as'' after ''to become'';

(II) by striking clause (ii) and inserting the following:

''(ii) offering academic courses and clinical teaching experiences designed to prepare stipend recipients to teach in elementary schools and secondary schools, including such preparation as necessary to meet requirements for teacher certification or licensing;''; and

(C) by adding at the end the following:

''(4) ELIGIBILITY REQUIREMENT.—To be eligible for an award under this section, an institution of higher education (or a consortium of such institutions) shall ensure that specific faculty members and staff from the mathematics, science, or engineering department of the institution (or a participating institution of the consortium) and specific education faculty members of the institution (or such participating institution) are designated to carry out the development and implementation of the program. An institution of higher education (or consortium) may also include teachers to participate in developing the pedagogical content of the program and to supervise students participating in the program in their field teaching experiences. No institution of higher education (or consortium) shall be eligible for an award unless faculty from the institution's mathematics, science, or engineering department are active participants in the program.'';

(3) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking ''scholarship or stipend'';

(II) by inserting ''and summer internships'' after ''number of scholarships''; and

(III) by inserting ''the type of activities proposed for the recruitment of students to the program,'' after ''intends to award,'';

(ii) in subparagraph (B)—

(I) by striking ''scholarship or stipend''; and

(II) by striking ''; and'' and inserting '', which may include a description of any existing programs at the applicant's institution that are targeted to the education of science and mathematics teachers and the number of teachers graduated annually from such programs;''; and

(iii) by striking subparagraph (C) and inserting the following:

''(C) a description of the academic courses and clinical teaching experiences required under subparagraph (A)(ii) or B)(ii) of subsection (a)(3), including—

''(i) a description of the undergraduate program that will enable a student to graduate in 4 years with a major in mathematics, science, or engineering and to obtain teacher certification or licensing;

''(ii) a description of clinical teaching experiences proposed; and

''(iii) evidence of agreements between the applicant and the schools or school districts that are identified as the locations at which clinical teaching experiences will occur;

''(D) a description of the programs required under subparagraph (A)(iii) or (B)(iii) of subsection (a)(3), including activities to assist new teachers in fulfilling their service requirements under this section; and

''(E) an identification of the applicant's mathematics, science, or engineering faculty and its education faculty who will carry out the development and implementation of the program as required under subsection (a)(4).''; and

(B) in paragraph (2)—

(i) by redesignating subparagraphs (B) through (E) as subparagraphs (C) through (F), respectively; and

(ii) by inserting after subparagraph (A) the following:

''(B) the extent to which the applicant's mathematics, science, or engineering faculty and its education faculty have worked or will work collaboratively to design new or revised curricula that recognize the specialized pedagogy required to teach mathematics and science effectively in elementary schools and secondary schools;'';

(4) in subsection (c)—

(A) in paragraph (3)—

(i) by striking ''$7,500'' and inserting ''$10,000''; and

(ii) by striking ''of scholarship support'' and inserting ''of scholarship support, unless the Director establishes a policy by which part-time students may receive additional years of support''; and

(B) in paragraph (4), by inserting '', with a maximum service requirement of 4 years'' after ''was received'';

(5) in subsection (d)—

(A) in paragraph (2), by inserting ''and professional achievement'' after ''academic merit''; and

(B) in paragraph (4), by striking ''for each year a stipend was received'';

(6) in subsection (g)—

(A) in paragraph (1), by inserting ''or stipend'' after scholarship; and

(B) by striking paragraph (2) and inserting the following:

''(2) REPAYMENT FOR FAILURE TO COMPLETE SERVICE.—

''(A) LESS THAN 1 YEAR OF SERVICE.—If a circumstance described in paragraph (1) occurs before the completion of 1 year of a service obligation under this section, the sum of the total amount of awards received by the individual under this section shall be treated as a loan payable to the Federal Government, consistent with the provisions of part B or D of title IV of the Higher Education Act of 1965, and shall be subject to repayment in accordance with terms and conditions specified by the Secretary of Education in regulations promulgated to carry out this paragraph.

''(B) 1 YEAR OR MORE OF SERVICE.—If a circumstance described in subparagraph (D) or (E) of paragraph (1) occurs after the completion of 1 year of a service obligation under this section, an amount equal to ½ of the sum of the total amount of awards received by the individual under this section shall be treated as a loan payable to the Federal Government, consistent with the provisions of part B or D of title IV of the Higher Education Act of 1965, and shall be subject to repayment in accordance with terms and conditions specified by the Secretary of Education in regulations promulgated to carry out this paragraph.'';

(7) by redesignating subsection (i) as subsection (k);

(8) by inserting after subsection (h) the following:

''(i) SCIENCE AND MATHEMATICS SCHOLARSHIP GIFT FUND.—In accordance with section 11(f) of the National Science Foundation Act of 1950, the Director is authorized to accept donations from the private sector to supplement, but not supplant, scholarships, stipends, or internships associated with the programs under this section.

''(j) ASSESSMENT OF TEACHER RETENTION.—Not later than 4 years after the date of enactment of the America COMPETES Act, the Director shall transmit to Congress a report on the effectiveness of the program carried out under this section regarding the retention of participants in the teaching profession beyond the service obligation required under this section.'';

(9) in subsection (k) (as redesignated by paragraph (7))—

(A) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively;

(B) by inserting after paragraph (1) the following:

''(2) the term 'high-need local educational agency' means a local educational agency or educational service agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)—

''(A)(i) that serves not less than 10,000 children from low-income families;

''(ii) for which not less than 20 percent of the children served by the agency are children from low-income families; or

''(iii) with a total of less than 600 students in average daily attendance at the schools that are served by the agency, and all of whose schools are designated with a school locale code of 6, 7, or 8, as determined by the Secretary of Education; and

''(B)(i) for which there is a higher percentage of teachers providing instruction in academic subject areas or grade levels for which the teachers are not highly qualified; or

''(ii) for which there is a high teacher turnover rate or a high percentage of teachers with emergency, provisional, or temporary certification or licensure;''; and

(C) in paragraph (4) (as redesignated by subparagraph (A)) by inserting ''or had a career'' after ''is working''; and

(10) by adding at the end the following:

''(1) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—Within the amounts authorized to be appropriated by section 4001 of the America COMPETES Act and except as provided in paragraph (2), there are authorized to be appropriated to the Director for the Robert Noyce Teacher Scholarship Program under this section—

''(A) $117,000,000 for fiscal year 2008, of which at least $18,000,000 shall be used for capacity building activities described in clauses (ii) and (iii) of subsection (a)(3)(A) and clauses (ii) and (iii) of subsection (a)(3)(B);

''(B) $130,000,000 for fiscal year 2009, of which at least $21,000,000 shall be used for such capacity building activities;

''(C) $148,000,000 for fiscal year 2010, of which at least $24,000,000 shall be used for such capacity building activities; and

''(D) $200,000,000 for fiscal year 2011, of which at least $27,000,000 shall be used for such capacity building activities.

''(2) EXCEPTION.—For any fiscal year for which the funding allocated for activities under this section is less than $105,000,000, the amount of funding available for capacity building activities described in subparagraphs (A) through (D) of paragraph (1) shall not exceed 15 percent of the allocated funds.''.

(b) CONFORMING AMENDMENTS.—

(1) SECTION 4.—Section 4 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n note) is amended in the matter preceding paragraph (1) by striking ''In this Act:'' and inserting ''Except as otherwise provided, in this Act:''.

(2) SECTION 8.—Section 8(6) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368) is amended—

(A) in the paragraph heading, by inserting ''TEACHER'' after ''NOYCE''; and

(B) by inserting ''Teacher'' after ''Noyce''.

SEC. 4013. SENSE OF THE SENATE REGARDING THE MATHEMATICS AND SCIENCE PARTNERSHIP PROGRAMS OF THE DEPARTMENT OF EDUCATION AND THE NATIONAL SCIENCE FOUNDATION.

It is the sense of the Senate that—

(1) although the mathematics and science education partnership program at the National Science Foundation and the mathematics and science partnership program at the Department of Education practically share the same name, the 2 programs are intended to be complementary, not duplicative;

(2) the National Science Foundation partnership programs are innovative, model reform initiatives that move promising ideas in education from research into practice to improve teacher quality, develop challenging curricula, and increase student achievement in mathematics and science, and Congress intends that the National Science Foundation peer-reviewed partnership programs found to be effective should be put into wider practice by dissemination through the Department of Education partnership programs; and

(3) the Director of the National Science Foundation and the Secretary of Education should have ongoing collaboration to ensure that the 2 components of this priority effort for mathematics and science education continue to work in concert for the benefit of States and local practitioners nationwide.

SEC. 4014. NATIONAL SCIENCE FOUNDATION TEACHER INSTITUTES FOR THE 21ST CENTURY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated to carry out the teacher institutes for the 21st century under paragraphs (3) and (7) of section 9(a) of the National Science Foundation Authorization Act of 2002 (as amended by subsection (b)) (42 U.S.C. 1862n(a))—

(1) $84,000,000 for fiscal year 2008;

(2) $94,000,000 for fiscal year 2009;

(3) $106,000,000 for fiscal year 2010; and

(4) $140,000,000 for fiscal year 2011.

(b) TEACHER INSTITUTES FOR THE 21ST CENTURY.—Section 9(a) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n(a)) is amended—

(1) in paragraph (3)(B), by striking ''summer or'' and inserting ''teacher institutes for the 21st century, as described in paragraph (7),'';

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following:

''(7) TEACHER INSTITUTES FOR THE 21ST CENTURY.—

''(A) IN GENERAL.—Teacher institutes for the 21st century carried out in accordance with paragraph (3)(B) shall—

''(i) be carried out in conjunction with a school served by the local educational agency in the partnership;

''(ii) be science, technology, engineering, and mathematics focused institutes that provide professional development to elementary school and secondary school teachers during the summer;

''(iii) serve teachers who are considered highly qualified (as defined in section 9101 of the Elementary and Secondary Education Act of 1965), teach high-need subjects, and teach in high-need schools (as described in section 1114(a)(1) of the Elementary and Secondary Education Act of 1965);

''(iv) focus on the theme and structure developed by the Director under subparagraph (C);

''(v) be content-based and build on school year curricula that are experiment-oriented, content-based, and grounded in current research;

''(vi) ensure that the pedagogy component is designed around specific strategies that are relevant to teaching the subject and content on which teachers are being trained, which may include training teachers in the essential components of reading instruction for adolescents in order to improve student reading skills within the subject areas of science, technology, engineering, and mathematics;

''(vii) be a multiyear program that is conducted for a period of not less than 2 weeks per year;

''(viii) provide for direct interaction between participants in and faculty of the teacher institute;

''(ix) have a component that includes the use of the Internet;

''(x) provide for followup training in the classroom during the academic year for a period of not less than 3 days, which may or may not be consecutive, for participants in the teacher institute, except that for teachers in rural local educational agencies, the followup training may be provided through the Internet;

''(xi) provide teachers participating in the teacher institute with travel expense reimbursement and classroom materials related to the teacher institute, and may include providing stipends as necessary; and

''(xii) establish a mechanism to provide supplemental support during the academic year for teacher institute participants to apply the knowledge and skills gained at the teacher institute.

''(B) OPTIONAL MEMBERS OF THE PARTNERSHIP.—In addition to the partnership requirement under paragraph (2), an institution of higher education or eligible nonprofit organization (or consortium) desiring a grant for a teacher institute for the 21st century may also partner with a teacher organization, museum, or educational partnership organization.

''(C) THEME AND STRUCTURE.—Each year, not later than 180 days before the application deadline for a grant under this section, the Director shall, in consultation with a broad group of relevant education organizations, develop a theme and structure for the teacher institutes of the 21st century supported under paragraph (3)(B).''.

Mr. INOUYE. Mr. President, innovation and economic competitiveness have emerged as top priorities for this country. A number of reports have detailed the Nation's need to address our investment in education and science. The Augustine Commission's ''Rising Above the Gathering Storm'' is often citied as the clarion call to action.

As Chairman of the Senate Committee on Commerce, Science, and Transportation, I am proud to join my colleagues from the Energy and Health, Education, Labor, and Pensions Committees in introducing the America COMPETES Act. This bill was produced in a bipartisan manner that brought together these three Senate committees.

The Commerce Committee plays a critical role in ensuring this country's economic and commercial health. We have expertise that touches industries ranging from telecommunications to transportation; from the safety of the home to the security of the homeland; and from marine containers to marine mammals. We have brought this broad perspective in our efforts to improve the country's investment in the vital components that make us successful.

At the heart of this investment is education. Education is the foundation upon which scientific research and discoveries are made. This bill uses educational programs to inspire students from kindergarten through graduate school to pursue math and science. It also ensures that the Nation's enterprise research is well funded and focused on the needs of the Nation.

This bill would double funding for the National Science Foundation (NSF) and significantly increase funding for the National Institute of Standards and Technology (NIST). We were also able to include several provisions related to ocean and atmospheric research and education. The ocean truly is the last frontier on Earth, and ocean research and technology may have broad implications for improving health and understanding our environment.

It is vital that we recognize the importance of our oceans. The U.S. Commission on Ocean Policy recommended

a number of ways to improve ocean education, basic research, and technological innovation. We need to follow through on these recommendations in order to provide young people with the opportunity to use a readily available resource for learning and inspiration.

This bill is a critical first step in this country's journey to answering the challenges that lay ahead. We must make the necessary investments today to realize the returns in the near future. I support this legislation and look forward to its thorough consideration before the Senate.

Mr. KENNEDY. Mr. President, families across America are facing serious challenges in today's global economy. The value of their wages is declining, the cost of living is going up, and many of their jobs are being shipped overseas.

We must respond to this challenge to ensure that our citizens can still achieve the American dream. We have the best workers in the world, and we must prepare them to compete and succeed in the global economy.

America has long been at the forefront in innovation, invention, and education. But other countries are catching up and surpassing us.

America's 15 year olds scored below average in math and science literacy compared to the youth of other developed nations on the most recent international assessment by the Programme for International Student Assessment.

We are losing ground in overall high school and college graduation rates. The U.S. has dropped below the average graduation rate for OECD countries. Out of 24 nations, the U.S. ranks 14th, just ahead of Portugal.

Since 1975, the U.S. has dropped from 3rd to 15th place in the production of scientists and engineers.

Federal investment in research and development is essential to keep us competitive, but federal dollars have been shrinking as a share of the economy. Funding for government research programs has fallen in real terms and is less than in 2004.

At the same time, fast-growing economies such as China, Ireland, and South Korea are realizing the potential for economic growth that comes with investing in innovation. China's investment in research and development rose from $12.4 billion in 1991 to $84.6 billion in 2003, an average increase of 17 percent a year. Over the same period, the increase in U.S. investment averaged only 4 to 5 percent annually.

Study after study tells us that we need major new investments in education and in research and development to stay ahead. We cannot just tinker at the margins and expect to retain our leadership in the global economy. We have a responsibility to make the investments that are necessary to our progress—a responsibility to our people, our economy, our nation, and our national security.

Last year, the Council on Competitiveness urged a focus on lifelong skill development—through elementary, secondary and higher education, and workforce training and support, as essential to keeping America on the cutting edge of innovation.

The recent report by the National Academy of Sciences, ''Rising Above the Gathering Storm,'' emphasized these recommendations. Two of the report's four major recommendations involved education as the solution to meeting the global challenge. The report set out a broad roadmap for keeping America competitive, but it prioritized investment in education over all other recommendations.

The National Association of Manufacturers has also issued a report urging renewed focus on education and training to keep American businesses competitive.

Last week, the National Governors Association released its ''Innovation America'' plan, which outlines opportunities for Federal investment to help spur innovation in the states. Here again, improving education and access to high quality job training take center stage.

It is clear that we must act, and today we are taking a step toward putting America back on the right track.

I am pleased to join a number of my colleagues today in reintroducing the ''America COMPETES Act,'' or the ''America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Act.'' The bill is identical to legislation we introduced last year, but the need for action is even more important today to keep America competitive in the years to come.

The legislation responds to many of the recommendations in the ''Gathering Storm'' and other recent reports; it takes important steps to encourage innovation in America as a way to create jobs and move our economy forward. Often, as we know, it is federally funded research that primes the pump for technological, medical and scientific breakthroughs. The bill will double basic research funding by the National Science Foundation by 2011. It also puts us on a strong course to doubling basic research funding by the Department of Energy.

In addition, the legislation creates a President's Council on Innovation and Competitiveness, based on successful models being used in established and emerging economies in Europe and Asia. The Council will bring together the heads of federal agencies with leaders in business and academia to develop a comprehensive agenda to promote innovation. Japan for some time has had a similar council, and Ireland—the Celtic Tiger—has already had extraordinary success in expanding its R&D strength since it established its council two years ago.

The bill also strengthens programs at college and universities to encourage renewed interest in nuclear science. Massachusetts has long been a leader in nuclear research. There are fewer than three dozen licensed research reactors in the United States, and three of them are located at Massachusetts universities—University of Massachusetts Lowell, Worcester Polytechnic Institute, and MIT. These colleges will have a vital role as nuclear science expands, and this bill will help expand their programs and establish new ones to meet the growing demand.

We must also make the research and development tax credit permanent. The incentive provided by the credit has led to quality jobs, better and safer products, greater productivity and a stronger and more robust national economy. A growing number of countries recognize the importance of research and development spending to future economic growth, and they now offer more generous R&D tax incentives than the United States. The top 6 pharmaceutical companies, and American high tech companies like Microsoft, Intel and GE have all opened advanced R&D facilities in India. We must give American companies the certainty that our tax incentives will continue year after year and will not expire, so that they can choose to maintain these high-skilled jobs here at home, to keep America at the cutting edge as a leader in innovation in the global economy.

R&D investments also depend on a talented pool of well-trained individuals who can make discoveries and scientific breakthroughs. Jobs in science and engineering are expected to increase 70 percent faster than those in other fields over the next 6 years.

To ensure that Americans are well-trained for these jobs, we must improve education at all levels—from the very early years in a child's life all the way through doctoral study and beyond—especially in math, science, engineering and technology.

International comparisons of student achievement show that the United States is slipping behind other countries, but detailed analysis shows that the picture is more complex. The real problem lies in the serious and pervasive achievement gap in this country between higher income students and lower income students and between white students and students of color.

On the most recent test comparing student achievement in industrial nations, white students in the United States performed better than the average for all countries in both math literacy and problem-solving, while their Hispanic and African American peers did worse. Low-income students in the U.S. performed worse than their high-income peers, and also performed worse than other low-income students in over half of the developed countries surveyed.

If we can close this achievement gap, and guarantee all children in this country a world-class education, we can put America back at the top of the list. To do so, we need to renew and improve upon the important reforms in the No Child Left Behind Act this year. As we

do so, we must make a strong commitment to adequately fund those reforms.

We must also invest in teachers. Research shows that having a high quality teacher for five years in a row can overcome the average 7th grade mathematics achievement gap between lower income and higher income children.

But almost half of math classes taught in high poverty and high minority schools are taught by teachers without a college major or minor in math or a related field. The problem is even more serious in middle schools—70 percent of math classes in these schools are taught by a teacher who doesn't even have a minor in math.

Our bill recognizes and responds to the critical need to recruit and train high quality math, science, technology and engineering teachers to teach in schools with the greatest need, so that we can begin to close the achievement gap and ensure that all American students can compete on a level playing field with their peers in other nations.

The bill provides a 10-fold increase in the Robert Noyce Teacher Scholarship Program at the National Science Foundation to recruit math, science, engineering and technology students and professionals to become teachers in high-need school districts.

It provides grants to institutions of higher education to create undergraduate programs that integrate the study of math, science, engineering, or critical need foreign language with teacher education, modeled on the successful U-Teach program at the University of Texas. It also helps institutions create part-time master's degree programs to improve the content knowledge and teaching skills of current teachers. In both of these programs, universities would partner with high-need school districts to ensure that these resources go where they are needed most.

The bill expands the Teacher Institutes for the 21st Century Program at the National Science Foundation to provide cutting-edge summer professional development programs for teachers who teach in high-need schools. It also creates a summer institute program in the Department of Energy to strengthen the math and science teaching skills of elementary and secondary school teachers.

Recruitment and training of good teachers are important, but so is retention of good teachers. Each year, over 200,000 teachers leave the profession—6 percent of the teaching workforce. High attrition rates mean that one of every two teachers hired will completely drop out of teaching within 5 years-just when they have gained the experience needed to consistently improve student achievement.

To be successful in closing the achievement gap, we must also do more to see that teachers have an incentive to stay in their classrooms once they are there.

We should provide financial incentives—through fellowships or salary increases—to teachers who commit to teach in the highest need schools, where the unique challenges make the schools the hardest to staff. I look forward to working with my colleagues as the bill moves forward to add this critical component to the effort.

In addition to providing a high quality teacher in every classroom, we must also ensure that children in low-income school districts have access to the same college preparatory classes that more affluent school districts are able to provide—and, importantly, that they have the preparation they need to succeed in those classes. To do so, the bill expands access to Advanced Placement and International Baccalaureate classes as well as pre-AP and pre-IB courses, especially in high need schools, and creates a program to improve instruction in math for elementary and middle school students and provide targeted help to students struggling with the subject.

The bill also addresses the critical need to ensure our education system is preparing students for the challenges they will face after graduation from high school.

According to recent research, the nation loses over $3.7 billion a year in the cost of remedial education and lost earning potential because students are not adequately prepared to enter college when they leave high school.

For students directly entering the workforce, 60 percent of employers in a survey conducted by the National Association of Manufacturers said that a high school diploma did not adequately prepare a typical student with even basic skills to qualify for an entry level job.

Many states have recognized the need to better align elementary and secondary school standards, curricula, and assessments with the demands of college, the 21st century workforce and the Armed Forces. Our bill provides grants to assist states in those efforts. The grants would support state P–16 councils that bring together leaders in the early education, K–12, and higher education communities, in the business sector, and in the military to improve the rigor of elementary and secondary education and prepare students for the postsecondary challenges they will face.

These provisions will help spur the development of more rigorous standards, as well as innovative curricula that engage our children in learning and inspire a new generation of scientists and engineers. It will assist states in the work they are doing to create new disciplines in engineering and technology at the elementary school level to teach students the practical applications of math and science. The National Center for Technological Literacy at the Museum of Science in Boston is at the forefront of these efforts.

In addition to the education programs at the Department of Education and the National Science Foundation, the legislation relies on the resources of the Department of Energy to assist in the effort to improve math and science education. The National Labs at the Department of Energy can have a critical role in these efforts, and so can the more than 300 colleges and universities across the country conducting research supported by the Department of Energy. I appreciate my colleagues' efforts to ensure that the resources of the Department of Energy are used to enhance educational opportunities for children not only in the states that host National Labs, but across the country.

It is also becoming increasingly important for students to become exposed to and immersed in critical foreign languages and cultures. In recent years, foreign language needs have significantly increased throughout the public and private sector due to the presence of a wider range of security threats, the emergence of new nation states, and the globalization of the U.S. economy.

Currently, the U.S. government uses tens of thousands of employees with foreign language skills in 100 languages and more than 80 Federal agencies. In addition, American businesses increasingly need employees experienced in foreign languages and international cultures to manage a culturally diverse workforce.

For students to become proficient in these critical foreign languages, they must have access to a sustained course of study, beginning in the early grades.

But currently, only one-third of students in grades 7–12 and a mere 5 percent of elementary school students study a foreign language.

Even fewer study critical need foreign languages. Only about 24,000 of approximately 54 million elementary and secondary school children in the United States are studying Chinese. In contrast, more than 200 million children in China study English—a compulsory subject for all Chinese primary school students.

The bill begins to address these needs by providing grants to institutions of higher education and local educational agencies to work in partnerships to create programs of study in critical foreign languages for students from elementary school through postsecondary education.

These programs and investments will help prepare our students to compete in the 21st century, but if we are serious about keeping America competitive, there is still more we can—and must—do.

A college degree is fast becoming the price of admission to participation in the global economy. Today, over 60 percent of jobs require some postsecondary training, and the number is rising rapidly. Such jobs bring higher pay as well. A recent study by the Organisation for Economic Co-operation and Development shows that in the United States, earnings of people with a post-secondary degree are 72

percent higher on average than those with only a high school diploma.

But with soaring costs and stagnant financial aid, college is increasingly out of reach for students and families. Research shows that 400,000 students a year do not go to a four-year college because they cannot afford it. 170,000 do not go to college at all.

When our troops returned home from World War II, we created the GI Bill and sent them to college to learn the skills they would need in the changing world. The pay off to the nation was immense. The economy reaped an estimated $7 in benefit for every dollar invested in that effort.

In recent decades however, federal grant aid has dwindled and the grants don't go as far as they used to. Thirty years ago, seventy-seven percent of the federal assistance provided to students was in the form of grants, but in recent years the number has dropped to twenty percent.

With college costs skyrocketing, the value of the Pell Grant has not kept pace. To ensure the prosperity of our families and the nation, we must open the doors of college to all by restoring the Pell Grant as the foundation of the student aid system.

Last year, Congress squandered an opportunity to significantly increase aid for low income students. The Senate passed a bill that would have immediately increased the Pell grant from $4,050 to $4,500. But this increase was rejected, and the funds were used instead to pay for tax giveaways for the wealthiest Americans.

Last month, under the new Democratic leadership, Congress made a strong down payment to help low-income families afford college by raising the maximum Pell grant for the first time since 2003 from $4,050 to $4,310.

I know many of my colleagues on both sides of the aisle agree that higher education is the key to keeping America competitive, and I look forward to working with them to build on this down payment as we reauthorize the Higher Education Act this year to ensure that the cost of college is not a barrier to full participation in the new economy.

We need to reform the federal student aid system to redirect excessive lender subsidies into additional help and support for students and families, including increased need-based aid, making student loans more manageable, and providing loan forgiveness for individuals in public sector careers.

We must also do more to address the devastating impacts of the global economy on American workers and their families.

Our workers are facing global competition that is often fundamentally unfair, but this bill does nothing to level the playing field or to help ease the burden of their transition to the global economy. To truly improve our national competitiveness, we must address all aspects of this challenge. We cannot continue to ignore the plight of working Americans.

First, we need to level the playing field in the competition for good jobs. Americans have nothing to fear from competition that's fair. But it's not fair when Americans are competing with foreign workers who lack basic protections such as child labor laws, a minimum wage, or the right to organize. It's not fair when U.S. companies cut costs by exploiting and abusing foreign workers.

We need to exercise global leadership in promoting fair wages and safe working conditions for workers around the world, reward companies that treat their foreign workforces fairly, and be a strong voice in sanctioning those countries that will not play by the rules.

Beyond these basic steps to level the playing field, we owe a particular duty to American workers who are losing their jobs because of trade. We all benefit from the lower prices and variety of products that globalization provides, but many of our most vulnerable workers are paying the price. We've lost nearly 3 million manufacturing jobs since 2001, and service sector jobs are now moving overseas as well. These are good, middle-class jobs, with decent wages and benefits that form the core of the American middle class.

Our response to globalization must address the disappearance of good jobs. We must create the good jobs of the future. We must eliminate tax incentives for companies to ship jobs overseas. We must give fair warning to workers who are at risk of losing their jobs to overseas competition, so that they can plan for their futures. We must strengthen our commitment to help workers who lose their jobs to adjust to the new economy, with well-funded training and income assistance programs that ease the transition to new employment.

Fulfilling our commitment to American workers also demands that we give them their fair share of the economic growth that globalization brings. Both houses of Congress have now voted overwhelmingly to raise the minimum wage to $7.25 an hour, and that vital legislation should reach the President's desk soon. But that's only a first step. We need to do much more to promote good jobs and ensure that workers get their fair share of economic growth. We also must give workers a stronger voice in the new economy by protecting their right to organize and form a union.

If we truly want to be competitive in the global economy, we need to address these challenges facing the American workforce head on. Our employees deserve greater job security in the present, and better job opportunities in the future. I hope that the same bipartisan coalition that has worked together so effectively on this competitiveness bill can also work together to address these important issues for America's working families.

The legislation we are introducing today is not a complete package. What it does represent is the beginning of a strong commitment that we will need to sustain and build on if America is to remain competitive in the years ahead. It's gratifying that this bill has strong bipartisan support, because that support is critical to ensuring that these proposals become a reality.

Words alone will not keep America competitive. This legislation must be more than a promise. I look forward to working with my colleagues as the bill moves forward to ensure that Congress provides the new investments essential to fully support these important proposals.

Americans know how to rise to challenges and come out ahead. We've done it before and we can do it again. We rose to the challenge after World War II with the GI Bill. We rose to the Soviet Union's challenge of Sputnik in 1957 by passing the National Defense Education Act, and we went on to inspire the nation in the next decade by sending a man to the moon and by doubling the federal investment in education.

We need the same bold commitment now to help the current generation meet and master the global challenges we now face. The America COMPETES Act can be an effective first step. I look forward to working with my colleagues to improve upon the bill as it moves forward and to expand on these efforts in the months to come to make this essential initiative as effective as possible.

Mr. LIEBERMAN. Mr. President, I rise today in support of the America COMPETES Act. I am pleased to join Senators REID and MCCONNELL in introducing this bipartisan bill that addresses the challenges in keeping the U.S. competitive in the global economy. The Council on Competitiveness, through their ''Innovate America'' report, and the National Academies, through the ''Rising Above the Gathering Storm'' report, made it clear that we owe the economic vitality of the Nation to the productivity of highly trained people and the innovations they produce. This bill addresses recommendations in these reports to support the Nation's future health, vitality and economic prosperity.

Only 29 percent of Americans believe the United States has the most innovative economy in the world. Nearly half choose China or Japan instead. Why? The No. 1 reason cited by Americans is that these other countries are more committed to their education, their youth or their schools. We need this to change.

This bill addresses new and expanded approaches to science education and research to meet the future needs of our children and the Nation. Tests show that U.S. students are behind other developed nations in math and science. We also found out in February that seniors in high school cannot read as well as seniors back in 1992. This is telling us that in some areas we are moving backwards. A good education is

every child's way to realize his and her American dream. We must keep moving forward.

We need to consider how we can help our Nation's top universities lead some of their best and brightest students, especially in STEM and critical foreign languages, into successful teaching careers. This bill encourages integrated college math, science, engineering and foreign language programs with teacher development programs to produce certified, knowledgeable teachers in areas with critical needs. The resulting teachers will have the teaching credentials and, importantly, the necessary content expertise in STEM disciplines with the hope of improving student interest and achievement in STEM areas and critical foreign languages.

New teachers are but a small portion of those teaching in STEM classrooms each year across the country. These new instructors need support and mentoring from established teachers. This bill supports master's degree programs for existing teachers seeking to enhance their content knowledge, teaching skills and leadership in STEM and foreign languages. Teachers in these programs study part-time over 2 to 3 years to obtain master's degrees. These programs also prepare them for leadership roles in their schools through participation in, for example, mentoring activities, math and science curriculum enhancements, teacher development, and student achievement evaluations and assessments.

It is troubling that many students with their newly-obtained high school diplomas find themselves unprepared for college or the workforce. It is time to ensure that high schools prepare their students for the future. To do this right, States must start aligning what children learn starting in kindergarten, or earlier, to meet the evolving higher education and business needs for the 21st century and beyond.

High schools are not preparing students for college or the workforce. We know that middle and high school students engaged in challenging coursework attend and succeed in college at a greater rate than those who follow programs of study without rigorous content. What happens to the others? To start, more than a quarter of college students end up taking remedial classes. The percentage is much higher, more than two in five, at institutions with large minority enrollments. We need to prepare for the future through college-ready course content and appropriate assessment standards all the way up through our high school and continue that rigor until completion of college. I am pleased that this legislation contains many of the components of S. 109–2337, the College Pathways Act of 2006, a bill I introduced to increase access to postsecondary education through better alignment of curriculum and enhanced data systems.

High-quality data systems are also critical to improve schools and student outcomes. Accountability for high school graduation numbers and dropout rates is important to addressing education reform in our high schools. States and schools need data systems to trace successful educational outcomes back to specific programs, coursework and interventions. They need to know what works and what doesn't work.

Unique identifier for students from pre-kindergarten through college will permit States to analyze school progress. Test results, grades, college-readiness assessments, assigned teachers and whether students needed remedial courses in college can all go into the data system. This information should provide feedback to make needed improvements while expanding and rewarding areas of success.

The legislation specifies that the unique student identifier could be a bar code. That is appropriate. Bar codes and scanners were created and expanded in the U.S. in part through federally funded research. The National Science Foundation, NSF, funded research on scanners starting back in the 1970s that made accurate bar codes a reality. Few realized at the time the eventual widespread use of the technology. But this is an example of the kinds of basic research investments in innovation and ingenuity that drive much of our economy.

NSF is the principal agency sustaining basic research in all science and engineering fields. Basic research outcomes have led to many important innovations, stimulating economic growth and improving the quality of life for all Americans. This legislation increases the Nation's investment in this innovation by doubling the overall funding for NSF from approximately $5.6 billion in 2006 to $11.2 billion in 2011. NSF's three strategic goals for its portfolio are discovery, learning, and research infrastructure. These goals match up directly with the three primary areas of the America Competes Act: increased research investment, STEM education, and innovative infrastructure.

To encourage more students to enter technical professions, this legislation increases Federal support for STEM graduate fellowships and trainee programs by expanding the NSF Graduate Research Fellowship Program by 1,250 fellowships. These fellowships follow the students permitting the greatest flexibility in choosing graduate programs that best fit their needs and interests.

We also expand the NSF Integrated Graduate Education and Research Traineeship, IGERT, program by 1,250 new traineeships. In the IGERT program, grants are awarded to universities to develop cross-disciplinary training programs for students in areas including science, math, engineering, and policy. The program is intended to produce a change by establishing innovative new models for graduate education and training that reach across traditional disciplinary boundaries. It is also intended to facilitate diversity in student participation, and to contribute to a world-class, broadly inclusive, and globally engaged science and engineering workforce.

This legislation further addresses the issue of improving talent in scientific disciplines by expanding the existing STEM Talent Expansion Program, STEP, to the scope originally intended. The STEP, or Tech Talent program, which I first proposed in October 2001, provides competitive grants to undergraduate institutions to develop new methods of increasing the number of students earning degrees in science, math, and engineering. It is essential that we increase the number of college graduates with the skills to contribute to the science and technology workforce, yet this program has never been fully funded.

The Department of Energy's Office of Science is the principal Federal agency for research in high energy physics, nuclear physics, and fusion energy sciences. This legislation puts the Office of Science on a doubling track, over 10 years, reaching more than $5.2 billion in 2011. We create important educational opportunities through Centers of Excellence in Mathematics and Science. These centers bring together our premier National Laboratories as partners with high-need high schools. National Laboratories also will host summer teacher institutes and will provide expert assistance to teachers at specialty schools in math and science.

The bill also creates an ''Innovation Acceleration Grants'' program to stimulate high-risk research by setting a goal for Federal research agencies to allocate no less than 8 percent of their current R&D budgets to breakthrough research—the kind of research that gave us fiber optics, the Internet and countless other technologies relied on every day in this country and around the world. We anticipate this funding would be used for ''grand challenges'' and other transformation research at the frontiers of discovery and innovation. We must continue to encourage the groundbreaking experimentation and longer term outlook that made this country great.

I am pleased to join my colleagues in this bipartisan effort to address the science, technology and education needs that will fuel innovation and continue to drive American growth and prosperity. I urge my colleagues to cosponsor this legislation and support its passage.

Mrs. HUTCHISON. Mr. President, I am delighted to join our distinguished Majority and Minority Leaders in introducing and cosponsoring the America COMPETES Act. This is an essential and important first step in addressing critical challenges facing our Nation in an increasingly competitive global economy. America must be a leader in scientific research and education. It is in the best interest of both our national and economic security.

This bill renews and expands our national focus on strengthening key areas of research, education and innovation. It is the product of a truly bipartisan effort, undertaken with the blessing and encouragement of the Senate leadership and by the leadership of the three principal committees with jurisdiction over these matters: the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, and the Committee on Health, Education, Labor, and Pensions. Mr. President, I am proud to be part of this bipartisan initiative to provide new resources to support these competitiveness programs.

This legislation increases research investment by doubling the authorized funding levels for the National Science Foundation (NSF) from approximately $5.6 billion in fiscal year 2007 to $11.2 billion in fiscal year 2011. It doubles funding for the Department of Energy's Office of Science over 5 years, from $3.6 billion in fiscal year 2006 to over $5.2 billion in fiscal year 2011.

Another vital focus of the bill is to strengthen educational opportunities in science, technology, engineering, mathematics and critical foreign languages. It authorizes competitive grants to States to promote better coordination of elementary and secondary education with the knowledge and skills needed for success in post-secondary education, the workforce and the U.S. Armed Forces. Another key emphasis is strengthening the skills of thousands of math and science teachers through support for the Teachers Institutes for the 21st Century Program at NSF.

As Ranking Member of the Space, Aeronautics and Related Sciences Subcommittee of the Commerce Committee, and a member of the Science, Technology and Innovation Subcommittee, I am especially pleased that this legislation ensures that both NASA and NSF are able to expand their strong traditional roles in fostering technological and scientific excellence. The language we have crafted increases essential NASA funding to support basic research and foster new innovation by calling for full use of existing budget authority that we provided within the 2005 NASA Authorization Act. Under the terms of this legislation and the previous authorization, the Congress could provide an additional $1.4 billion dollars in fiscal year 2008 for application towards these activities, above what has been requested. By directing NASA's full participation in inter-agency efforts for competitiveness and innovation, this legislation points the way for the Administration to now make use of that additional authority in supporting projects that can help meet these important competitiveness and innovation goals.

This bill represents an important first step in our efforts to meet the increasing challenges to our Nation's competitive posture. I encourage all of my colleagues to join in cosponsoring this bill and working with us at the appropriate time to ensure its passage by this body and its enactment into law.

By Mr. GRASSLEY (for himself, Mr. MCCAIN, and Mr. DURBIN):

S. 762. A bill to include dehydroepiandrosterone as an anabolic steroid; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President. I rise today to introduce a bill that would further expand the definition of anabolic steroids under the Controlled Substances Act to include DHEA. I am pleased to be joined in this bi-partisan effort by my colleagues Senator MCCAIN and Senator DURBIN.

Eight years ago, baseball fans everywhere were witness to history as Roger Maris' 37 year old single season record of 61 home-runs was finally broken. Mark McGwire and Sammy Sosa captivated the public as their chase for the home-run record unfolded in living rooms everywhere. Three years later, Barry Bonds of the San Francisco Giants set a new record when he hit an unthinkable 73 home-runs in just one season. Now, with another Major League Baseball season just around the corner, the 42 year old Barry Bonds is on the brink of breaking the all time home-run record held by the great Hank Aaron.

A lot has changed since that historic 1998 season though. We now know that Mark McGwire had been taking an over the counter testosterone boosting supplement known as ''Andro'' at the time he broke the home-run record. A few years later, an anonymous phone call sparked what has since become the largest doping scandal in professional sports history. The BALCO scandal as it is famously known today, has exposed numerous top athletes across a wide range of sports and continues to this day. In fact, just this week, we learned that investigators found evidence that testosterone and other performance enhancing drugs may have been illegally purchased over the internet by current and former Major League Baseball and NFL players, college athletes, high school coaches, a former Mr. Olympia champion, and another top contender in the body building competition.

The publicity generated from these doping scandals even spurred Congress into action. In 2004, we passed legislation expanding the list from 23 to 59 anabolic steroids that are now regulated by the DEA, including ''Andro''. Legislation has also been introduced that would force Major League Baseball and other professional sports leagues, to strengthen their testing procedures and set new minimum penalties for any violations of the policy.

While all this publicity has helped to raise public awareness about the dangers of illegal performance enhancing drugs, much work remains to be done. Some recent studies appear to indicate that the use of illegal steroids among adolescents is beginning to decline. While this is good news, an alarming number of young people are still turning to these dangerous drugs to improve performance, appearance, or their self image.

Even more widespread however, is the use of over the counter supplements. Many young people turn to these ''supplements'' as an alternative to already illegal steroids, mistakenly believing that because they are sold over the counter, they must be safe. Yet, many of these over the counter ''supplements'' actually produce the same dangerous effects on the body as illegal steroids, some even become steroids in the blood stream.

In the year following Mark McGwire's record breaking 70 home-run season, sales of andro surged by more than 1000 percent. In 2004, we took action to control sales of these dangerous drugs and protect the unsuspecting public. Yet as I speak today, one anabolic steroid remains on the shelves of health stores around the country. This potentially harmful steroid can be bought by anyone, at any age and without consulting a physician first.

DHEA, is a steroid hormone that when ingested in the body, is converted into other more powerful steroid hormones including Andro and Testosterone. Both Andro and Testosterone are already controlled by the DEA under the Controlled Substances Act.

DHEA like all other steroids, may cause a number of long-term physical and psychological effects. Women could experience facial hair growth, scalp hair loss, deepening of the voice, and increased girth. Men could experience increased blood pressure or breast enlargement. Unfortunately, side effects associated with hormones don't always appear right away. While these effects may be mild at low doses, according to many experts high levels of DHEA might promote liver damage and cancer of the breast or prostate over time. The truth is we know very little about DHEA's long term effects.

In addition, because DHEA is marketed as a dietary supplement rather than a medicine, companies distributing DHEA products are not required to prove their safety and effectiveness to the Food and Drug Administration. Therefore, it is impossible to tell if these products are 100 percent pure or whether you are getting the same amount of DHEA the label claims. In fact, in 2000, the Good Housekeeping Research Group examined 8 popular DHEA products with ''antiaging'' claims and found that 5 of the 8 brands sent to an independent lab for testing, failed to accurately state the level of DHEA labeled on their product.

While often cited as an anti-aging pill, some advertisements do specifically target athletes. Take for example this advertisement on www.bodybuilding.com:

DHEA is HOT, and you will see why. As a pre-cursor hormone, it leads to the production of other hormones. When this compound

is supplemented, it has shown to have awesome effects.

Here is another advertisement found on AST Sports Sciences,

If you're a bodybuilder, and want to increase lean body mass at the expense of body fat, actual studies show this supplement may significantly alter body composition, favoring lean mass accrual.

DHEA is already banned by the Olympics, the World Anti-Doping Agency, the National Collegiate Athletic Association, the National Football League, the National Basketball Association and minor league baseball, yet under current Federal law it enjoys special protections.

In 2005, as Major League Baseball and their steroid policy were coming under increasingly heavy fire, the top medical advisor to the League turned the tables on us as lawmakers, referring to DHEA and accusing us of failing to write a zero tolerance steroids policy into Federal law.

With that in mind, I am pleased to introduce this legislation today, which would put these potentially dangerous steroids behind the counter where they belong. We must make every effort to keep ALL steroids out of the hands of children and protect unsuspecting consumers. DHEA is not a food supplement, and should be treated as every other testosterone boosting substance in the steroid family.

I encourage my colleagues to join in support of this legislation.

I send the draft of this legislation to the desk and ask unanimous consent that the text of this 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:

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

SECTION 1. INCLUSION OF DEHYDROEPIANDROSTERONE.

Section 102(41)(A) of the Controlled Substances Act (21 U.S.C. 802(41)(A)) is amended—

(1) in the matter preceding clause (i), by striking ''corticosteroids, and dehydroepiandrosterone'' and inserting ''and corticosteroids'';

(2) by redesignating clauses (x) through (xlx) as clauses (xi) through (xlxi), respectively; and

(3) by inserting after clause (ix) the following:

''(x) dehydroepiandrosterone (androst-5-en-3β-ol-17-one);''.

By Mrs. CLINTON (for herself, Ms. SNOWE, Mr. BINGAMAN, Mr. NELSON of Florida, Mr. KERRY, Mr. DURBIN, and Ms. CANTWELL):

S. 764. A bill to amend title IXX and XXI of the Social Security Act to permit States the option of coverage of legal immigrants under the Medicaid Program and the State children's health insurance program (SCHIP); to the Committee on Finance.

Mrs. CLINTON. Mr. President, today I am introducing the Legal Immigrant Children's Health Improvement Act, legislation that would again allow States to use Federal funds to provide critical healthcare services to pregnant women and children. I want to thank Senator SNOWE for partnering with me on this bipartisan effort.

All across New York and America, legal immigrants work hard, pay taxes, and exercise their civic responsibilities. I see examples of this every day in New York. They fight for our country in the military. They contribute to our Nation's competitiveness and economic growth. They help revitalize neighborhoods and small towns across the country. And most are fiercely proud to call themselves Americans.

Yet, in 1996, Congress denied safety net services to legal immigrants who had been in the country for less than five years. Today, Senator SNOWE and I are introducing legislation that would take a first step towards correcting that injustice. The Legal Immigrant Children's Health Improvement Act will allow States to use Federal funds to make the State Children's Health Insurance Program (SCHIP) and Medicaid available to legal immigrant pregnant women and children who are within the five year ban.

There is tremendous need for this legislation. An Urban Institute study found that children of immigrants under the age of 6 years are two times as likely to be in fair or poor health compared to same-age children of natives, whereas 6 to 17 year old children of immigrants are almost three times as likely to be in fair or poor health. While most children receive preventative medical care, such as vaccines and routine dental care, too often immigrant children do not. They are forced to forego treatment and can ultimately end up seeking needed care in emergency rooms—the least cost-effective place to provide care. To make matters worse, minor illnesses, which would be easily treated by a pediatrician, may snowball into life-threatening conditions.

And women without access to prenatal care are four times more likely to deliver low birth weight infants and seven times more likely to deliver prematurely than women who receive prenatal care, according to the Institute of Medicine. All of these health outcomes are costly to society and to the individuals involved.

Today, 16 States, including New York and Maine, use State funds to provide healthcare services to legal immigrant pregnant women and children within the five year waiting period. An additional six States provide some coverage to either pregnant woman or children.

The Legal Immigrant Children's Health Improvement has been endorsed by a wide range of organizations including Asian American Justice Center, Catholic Health Association, National Immigration Law Center, National Health Law Program, Families USA, and National Council of La Raza and I want to thank them for their support.

This year Congress will reauthorize the SCHIP program and it is my hope that we will finally eliminate the unfair ban on legal immigrant children and pregnant woman by incorporating the Immigrant Children's Health Improvement Act into the reauthorization of SCHIP. I look forward to working with Senator SNOWE and my colleagues to enact this bill into law.

By Mr. DURBIN (for himself, Mr. OBAMA, Ms. MURKOWSKI, and Ms. MIKULSKI):

S.J. Res. 5. A joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I rise today to introduce S.J. Res. 5, honoring the valor of General Casimir Pulaski, who made the ultimate sacrifice in pursuit of American freedom. This Resolution would grant posthumous honorary citizenship to General Pulaski.

Casimir Pulaski was a young soldier whose activities to advance Polish liberty'' from Russian influence led to his exile from Poland. In Paris, he met Benjamin Franklin and was inspired to join the Continental Army in its fight for American independence.

On September 11, 1777, Casimir Pulaski fought with distinction in the Battle of Brandywine. His bravery and abilities in battle averted an American defeat and saved the life of George Washington. That same year, Pulaski wrote to George Washington, ''I came here, where freedom is being defended, to serve it, and to live or die for it.''

Casimir Pulaski was promoted to Brigadier General and, as General, continued to provide great leadership. In 1779, at the siege of Charleston, South Carolina, he helped to fend off British forces. Later that year, his letter to George Washington proved prophetic when in October, during a major offensive against British forces in Savannah, Georgia, Pulaski was mortally wounded. He died at sea, aboard the U.S.S. *Wasp*, on October 11, 1779.

General Pulaski's life and death inspired his contemporaries just as he inspires us today. Shortly after his death, the Continental Congress resolved to build a monument in his honor; one that proved to be the first of many. In 1825, General Lafayette, an honorary American citizen, laid the cornerstone for the Pulaski monument in Savannah, Georgia. In 1929, Congress resolved that October 11 of each year would be Pulaski Day in the United States, and several states have followed this example. In 1973, my own state of Illinois designated the first Monday of March as Pulaski Commemorative Day and in 1986 declared that day to be a state holiday. There are countless schools, streets, and memorials across the country that bear his name, and honor his great contributions.

We in Illinois are privileged to have a large and vibrant Polish-American

community. From Casimir Pulaski to legendary artists like Ignacy Jan Paderewski, the Polish people have contributed a great deal to Illinois, and to this country. Chicago is home to the Polish American Congress, which encompasses three thousand Polish organizations across the county, as well as the Polish Museum of America. The Polish-American community also has a large presence in the Illinois National Guard which has enjoyed a long-standing relationship with the Polish Air Force.

I am honored to rise today, on Pulaski Commemorative Day, to introduce this Resolution to grant posthumous honorary citizenship to General Casimir Pulaski. Honorary citizenship is a proper tribute to a man who gave his labor and life to the cause of American independence. When we think of our Nation's struggle for freedom in its early years, we also must think of Casimir Pulaski and his indelible contribution to our Nation's birth.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 93—SUPPORTING THE GOALS OF ''INTERNATIONAL WOMEN'S DAY''

Mrs. BOXER (for Mr. BIDEN (for himself, Mrs. BOXER, Ms. CANTWELL, Mrs. CLINTON, Mrs. FEINSTEIN, Ms. KLOBUCHAR, Ms. LANDRIEU, Ms. MIKULSKI, Mrs. MURRAY, and Ms. STABENOW)) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 93

Whereas there are more 3,000,000,000 women in the world, representing 49.7 percent of the world's population;

Whereas women continue to play the predominant role in caring for families within the home, as well as increasingly supporting their families economically by working outside the home;

Whereas women worldwide participate in diplomacy and politics, contribute to the growth of economies, and improve the quality of the lives of their families, communities, and countries;

Whereas women leaders have recently made significant strides, including through the 2007 election of Representative Nancy Pelosi as the first female Speaker of the United States House of Representatives, the 2006 election of Michelle Bachelet as the first female President of Chile, the 2006 election of Ellen Johnson-Sirleaf as President of Liberia and the first female President in the history of Africa, and the 2005 election of Angela Merkel as the first female Chancellor of Germany and who will also serve in 2007 as the second woman to chair a G–8 summit;

Whereas women now account for 80 percent of the world's 70,000,000 micro-borrowers, 75 percent of the 28,000 United States loans supporting small business in Afghanistan are given to women, and 11 women are chief executive officers of Fortune 500 companies in the United States;

Whereas, in the United States, women are graduating from high school and earning bachelor's degrees and graduate degrees at rates greater than men, with 88 percent of women between the ages of 25 and 29 having obtained high school diplomas and 31 percent of women between the ages of 25 of 29 having earned bachelor's degrees;

Whereas even with the tremendous gains for women during the past 20 years, women still face political and economic obstacles, struggle for basic rights, face discrimination, and are targets of gender-based violence all over the world;

Whereas women remain vastly underrepresented worldwide in national and local legislatures, accounting on average for less than 10 percent of the seats in legislatures in most countries, and in no developing region do women hold more than 8 percent of legislative positions;

Whereas women work two-thirds of the world's working hours and produce half of the world's food, yet earn only 1 percent of the world's income and own less than 1 percent of the world's property;

Whereas, in the United States between 1995 and 2000, female managers earned less than their male counterparts in the 10 industries that employ the vast majority of all female employees;

Whereas, of the 1,300,000,000 people living in poverty around the world, 70 percent are women;

Whereas, according to the United States Agency for International Development, two-thirds of the 876,000,000 illiterate individuals worldwide are women, two-thirds of the 125,000,000 school-aged children who are not attending school worldwide are girls, and girls around the world are less likely to complete school than boys;

Whereas women account for half of all cases of HIV/AIDS worldwide, approximately 42,000,000 cases, and in countries with a high prevalence of HIV, young women are at a higher risk than young men of contracting HIV;

Whereas each year over 500,000 women globally die during childbirth or pregnancy;

Whereas domestic violence causes more deaths and disabilities among women between the ages of 15 and 44 than cancer, malaria, traffic accidents, and war;

Whereas worldwide at least 1 out of every 3 women and girls has been beaten in her lifetime, and usually the abuser is a member of the victim's family or is someone else known to the victim;

Whereas, according to the Centers for Disease Control and Prevention, at least 1 out of every 6 women and girls in the United States has been sexually abused in her lifetime;

Whereas, in the Unites States, one-third of the women murdered each year are killed by current or former husbands or boyfriends;

Whereas 130,000,000 girls and young women worldwide have been subjected to female genital mutilation and it is estimated that 10,000 girls are at risk of being subjected to the practice in the United States;

Whereas, according to the Congressional Research Service and the Department of State, illegal trafficking in women and children for forced labor, domestic servitude, or sexual exploitation involves between 600,000 and 900,000 women and children each year, of whom 17,500 are transported into the United States;

Whereas between 75 and 80 percent of the world's 27,000,000 refugees are women and children;

Whereas, in Iraq, women are increasingly becoming the targets of violence by Islamic extremists, street gangs, and elements within the anti-occupation insurgency;

Whereas, in Darfur, a growing number of women and girls are being raped, mainly by militia members who use sexual violence as a weapon of war;

Whereas, in Afghanistan, Safia Ama Jan, the former Director of Women's Affairs, became the first female assassinated since the fall of the Taliban; and

Whereas March 8 of each year has been known as ''International Women's Day'' for the last century, and is a day on which people, often divided by ethnicity, language, culture, and income, come together to celebrate a common struggle for women's equality, justice, and peace: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals of ''International Women's Day'';

(2) recognizes and honors the women in the United States and in other countries who have fought and continue to struggle for gender equality and women's rights;

(3) reaffirms its commitment to ending discrimination and violence against women and girls, to ensuring the safety and welfare of women and girls, and to pursuing policies that guarantee the basic rights of women and girls both in the United States and in other countries;

(4) urges the President to reaffirm his commitment to pursue policies to protect the health and rights of women and girls; and

(5) encourages the people of the United States to observe International Women's Day with appropriate programs and activities.

Mr. BIDEN. Mr. President, I rise today to submit a Senate resolution designating March 8, 2007, as International Women's Day. Since 1911, International Women's Day has provided a chance for people all over the world to pause and observe the remarkable steps that women have made in their fight for equality and recommit themselves to dosing lingering gender disparities. I am particularly pleased that I am joined by a tremendous group of women who are original cosponsors of today's measure, Senators BOXER, CANTWELL, CLINTON, FEINSTEIN, KLOBUCHAR, LANDRIEU, MIKULSKI, MURRAY and STABENOW. These nine senators are living testament to the progress and promise of women's achievements. They are trailblazers and role models to whom we owe a great deal of gratitude.

Besides the steady increase in the number of women senators, I need only look down the hallway to see another sign of extraordinary progress in 2007—the first ever woman Speaker of House, Representative NANCY PELOSI. Similar electoral accomplishments can be found in other countries. For instance, Michelle Bachelet became the first female President of Chile and Ellen Johnson-Sirleaf became first female President in Liberia in the history of Africa. In 2005, Angela Merkel became the first female Chancellor of Germany.

Of course, participation in the political process is but one marker of women's empowerment and equal footing. Access to education, economic security, employment nondiscrimination, eradication of poverty, equality before the law, access to HIV/AIDS prevention and other health care services, and freedom from gender-based violence, including human trafficking—these are all critical benchmarks of women's progress.

An essential component to achieving gender equality is ending violence against women—an issue about which I care deeply. The time is now to concentrate our energies on efforts to end domestic and sexual violence abroad.

Last year Congress passed the Violence Against Women Act of 2005, an accomplishment that shows real consensus and momentum to end gender-based violence and heal America's families. The United Nations and the World Health Organizations have released ground-breaking studies on the prevalence and impact of domestic violence globally. Finally, international service organizations are finding that their efforts to help women in the field, be it opening the school doors to girls or getting HIV/AIDS medicine to young women, are ultimately ineffectual if we do not help these same women escape from violent homes.

Furthermore, gender-based violence is pervasive in conflicts around the globe. In Darfur, women are systematically raped as a weapon of war. In Afghanistan, Safia Ama Jan, became the first female assassinated since the fall of the Taliban. Just last week, two Iraqi women accused the Iraqi national security forces of gang-raping them in Baghdad headquarters. This year's theme for International Women's Day is ''Ending Impunity for Violence Against Women and Girls''—a fitting mandate for all of us.

I am working on legislative measures to fight the global epidemic of gender-based violence. In addition, International Women's Day is also a perfect opportunity for the Administration to review its position and support ratification of the International Women's Rights Treaty (formally known as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)). I whole heartedly support this human rights treaty that brings together in one document women's economic, social, cultural, civil and political rights and is an important tool for women rights advocates around the globe.

I've said it before, but it bears repeating: Ending the systemic discrimination of women is not just a woman's issue, it is not just the responsibility of heads of state or Nobel Peace Prize winners, it is everyone's moral responsibility. You cannot build peace and you cannot build democracy when half of the population is not free. And no country can reach its full potential when women are not allowed to fully contribute. Spreading democracy must mean empowering women, ending domestic and sexual violence and holding abusers fully accountable. I urge my colleagues to join our Resolution to Commemorate International Women's Day on March 8th and thank advocates everywhere who work day in and day out I to improve women's lives.

SENATE RESOLUTION 94—HONORING THE EMPLOYEES OF THE DEPARTMENT OF HOMELAND SECURITY ON THE 4TH ANNIVERSARY OF THE DEPARTMENT

Mr. VOINOVICH (for himself, Mr. AKAKA, Mr. LIEBERMAN, Mr. STEVENS, Mr. WARNER, and Ms. COLLINS) submitted the following resolutions; which was considered and agreed to:

S. RES. 94

Whereas the United States must remain vigilant against all threats to the homeland, including acts of terrorism, natural disasters, and other emergencies;

Whereas the Department of Homeland Security marks its 4th anniversary on March 1, 2007;

Whereas the more than 208,000 employees of the Department work tirelessly to carry out the complex mission of securing the Nation from terrorism and natural hazards through protection, prevention, response, and recovery as well as serving the public effectively by facilitating lawful trade, travel, and immigration;

Whereas the Department's employees sacrifice time with their families to work long hours to fulfill the Department's vital mission; and

Whereas the Nation is indebted to the Department's employees for their labors: Now, therefore, be it

Resolved, That the Senate honors the employees of the Department of Homeland Security for their substantial contributions to protecting the Nation on the 4th anniversary of the Department.

AMENDMENTS SUBMITTED AND PROPOSED

SA 332. Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table.

SA 333. Mr. LEAHY (for himself, Mr. THOMAS, Mr. STEVENS, Mr. ROBERTS, Mr. PRYOR, Mr. SANDERS, Mr. ENZI, and Mr. HATCH) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 334. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

SA 335. Mrs. FEINSTEIN (for herself, Mr. CORNYN, Mr. LAUTENBERG, Mrs. HUTCHISON, Mrs. BOXER, Mr. SCHUMER, Mrs. CLINTON, Mr. OBAMA, Mr. MENENDEZ, Mr. KERRY, Mr. COBURN, and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 336. Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 337. Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 338. Mr. OBAMA (for himself, Mr. WARNER, Mr. COBURN, Ms. LANDRIEU, Mr. KENNEDY, Mr. MENENDEZ, Mrs. CLINTON, and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 339. Mr. WYDEN (for himself, Mr. LIEBERMAN, Ms. COLLINS, and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

SA 340. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 341. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 342. Ms. COLLINS (for herself, Mr. STEVENS, Mr. VOINOVICH, Mr. WARNER, Mr. SUNUNU, and Mr. GRASSLEY) proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 343. Ms. CANTWELL (for herself, Mr. DODD, and Mr. FEINGOLD) submitted an amendment intended to be proposed by her to the bill S. 4, supra; which was ordered to lie on the table.

SA 344. Mr. LAUTENBERG (for himself, Mr. BROWNBACK, Mr. MENENDEZ, Mr. REID, and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 345. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 346. Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra; which was ordered to lie on the table.

SA 347. Mr. SESSIONS proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, supra.

SA 348. Mr. WYDEN (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 4, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 332. Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, strike line 5 and all that follows through page 57, line 9, and insert the following:

''(a) GRANTS AUTHORIZED.—The Secretary, through the Administrator, may award grants to State, local, and tribal governments for the purposes of this title.

''(b) PROGRAMS NOT AFFECTED.—This title shall not be construed to affect any authority to award grants under any of the following Federal programs:

''(1) The firefighter assistance programs authorized under section 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a).

''(2) The Urban Search and Rescue Grant Program authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

''(3) Grants to protect critical infrastructure, including port security grants authorized under section 70107 of title 46, United States Code.

''(4) The Metropolitan Medical Response System authorized under section 635 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 723).

''(5) Grant programs other than those administered by the Department.

''(c) RELATIONSHIP TO OTHER LAWS.—

''(1) IN GENERAL.—The grant programs authorized under this title shall supercede all grant programs authorized under section 1014 of the USA PATRIOT Act (42 U.S.C. 3714).

''(2) PROGRAM INTEGRITY.—Each grant program under this title, section 1809 of this Act, or section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763) shall include, consistent with the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), policies and procedures for—

''(A) identifying activities funded under any such grant program that are susceptible to significant improper payments; and

''(B) reporting the incidence of improper payments to the Department.

''(3) ALLOCATION.—Except as provided under paragraph (2) of this subsection, the allocation of grants authorized under this title shall be governed by the terms of this title and not by any other provision of law.

''(d) MINIMUM PERFORMANCE REQUIREMENTS.—

''(1) IN GENERAL.—The Administrator shall—

''(A) establish minimum performance requirements for entities that receive homeland security grants;

''(B) conduct, in coordination with State, regional, local, and tribal governments receiving grants under this title, section 1809 of this Act, or section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763), simulations and exercises to test the minimum performance requirements established under subparagraph (A) for—

On page 66, between lines 19 and 20, insert the following:

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section—

''(1) for fiscal year 2007, such sums as are necessary;

''(2) for each of fiscal years 2008, 2009, and 2010, $1,278,639,000; and

''(3) for fiscal year 2011, and each fiscal year thereafter, such sums as are necessary.

On page 77, strike line 3 and all that follows through page 80, line 7, and insert the following:

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section—

''(1) for fiscal year 2007, such sums as are necessary;

''(2) for each of fiscal years 2008, 2009, and 2010, $913,180,500; and

''(3) for fiscal year 2011, and each fiscal year thereafter, such sums as are necessary.

''SEC. 2005. TERRORISM PREVENTION.

On page 84, strike line 19 and insert the following:

''SEC. 2006. RESTRICTIONS ON USE OF FUNDS.

On page 85, line 25, strike ''611(j)(8)'' and insert ''611(j)(9)''.

On page 86, line 2, strike ''5196(j)(8))'' and insert ''5196(j)(9))''.

On page 87, strike line 22 and insert the following:

''SEC. 2007. ADMINISTRATION AND COORDINATION.

On page 89, line 7, strike ''under this title'' and insert ''under section 2003 or 2004''.

On page 91, strike line 16 and insert the following:

''SEC. 2008. ACCOUNTABILITY.

On page 94, lines 13 and 14, strike ''the Homeland Security Grant Program'' and insert ''grants made under this title''.

On page 97, strike lines 7 and 8 and insert the following:

''SEC. 2009. AUDITING.

''(a) AUDITS OF GRANTS.—

On page 104, strike line 7 and all that follows through page 105, line 9, and insert the following:

''(d) DEFINITION.—In this section, the term 'Emergency Management Performance Grants Program' means the Emergency Management Performance Grants Program under section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763; Public Law 109–295).

''SEC. 2010. SENSE OF THE SENATE.

''It is the sense of the Senate that, in order to ensure that the Nation is most effectively able to prevent, prepare for, protect against, respond to, recovery from, and mitigate against all hazards, including natural disasters, acts of terrorism, and other man-made disasters—

''(1) the Department should administer a coherent and coordinated system of both terrorism-focused and all-hazards grants, the essential building blocks of which include—

''(A) the Urban Area Security Initiative and State Homeland Security Grant Program established under this title (including funds dedicated to law enforcement terrorism prevention activities);

''(B) the Emergency Communications Operability and Interoperable Communications Grants established under section 1809; and

''(C) the Emergency Management Performance Grants Program authorized under section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763); and

''(2) to ensure a continuing and appropriate balance between terrorism-focused and all-hazards preparedness, the amounts appropriated for grants under the Urban Area Security Initiative, State Homeland Security Grant Program, and Emergency Management Performance Grants Program in any fiscal year should be in direct proportion to the amounts authorized for those programs for fiscal year 2008 under the amendments made by titles II and IV, as applicable, of the Improving America's Security Act of 2007.''.

On page 106, strike lines 1 through 9, and insert the following:

(b) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended by striking the items relating to title XVIII and sections 1801 through 1806, as added by the SAFE Port Act (Public Law 109–347; 120 Stat. 1884), and inserting the following:

''TITLE XIX—DOMESTIC NUCLEAR DETECTION OFFICE

''Sec. 1901. Domestic Nuclear Detection Office.
''Sec. 1902. Mission of Office.
''Sec. 1903. Hiring authority.
''Sec. 1904. Testing authority.
''Sec. 1905. Relationship to other Department entities and Federal agencies.
''Sec. 1906. Contracting and grant making authorities.

''TITLE XX—HOMELAND SECURITY GRANTS

''Sec. 2001. Definitions.
''Sec. 2002. Homeland Security Grant Program.
''Sec. 2003. Urban Area Security Initiative.
''Sec. 2004. State Homeland Security Grant Program.
''Sec. 2005. Terrorism prevention.
''Sec. 2006. Restrictions on use of funds.
''Sec. 2007. Administration and coordination.
''Sec. 2008. Accountability.
''Sec. 2009. Auditing.
''Sec. 2010. Sense of the Senate.''.

TITLE III—COMMUNICATIONS OPERABILITY AND INTEROPERABILITY

On page 126, between lines 14 and 15, insert the following:

TITLE IV—EMERGENCY MANAGEMENT PERFORMANCE GRANTS PROGRAM

SEC. 401. EMERGENCY MANAGEMENT PERFORMANCE GRANTS PROGRAM.

Section 622 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 763) is amended to read as follows:

''SEC. 622. EMERGENCY MANAGEMENT PERFORMANCE GRANTS PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) POPULATION.—The term 'population' means population according to the most recent United States census population estimates available at the start of the relevant fiscal year.

''(2) STATE.—The term 'State' has the meaning given that term in section 101 of the Homeland Security Act of 2002 (6 U.S.C. 101).

''(b) IN GENERAL.—There is an Emergency Management Performance Grants Program to make grants to States to assist State, local, and tribal governments in preparing for, responding to, recovering from, and mitigating against all hazards.

''(c) APPLICATION.—

''(1) IN GENERAL.—Each State may apply for a grant under this section, and shall submit such information in support of an application as the Administrator may reasonably require.

''(2) ANNUAL APPLICATIONS.—Applicants for grants under this section shall apply or reapply on an annual basis for grants distributed under the program.

''(d) ALLOCATION.—Funds available under the Emergency Management Performance Grants Program shall be allocated as follows:

''(1) BASELINE AMOUNT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), each State shall receive an amount equal to 0.75 percent of the total funds appropriated for grants under this section.

''(B) TERRITORIES.—American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each shall receive an amount equal to 0.25 percent of the amounts appropriated for grants under this section.

''(2) PER CAPITA ALLOCATION.—The funds remaining for grants under this section after allocation of the baseline amounts under paragraph (1) shall be allocated to each State in proportion to its population.

''(3) CONSISTENCY IN ALLOCATION.—Notwithstanding paragraphs (1) and (2), in any fiscal year in which the appropriation for grants under this section is equal to or greater than the appropriation for Emergency Management Performance Grants in fiscal year 2007, no State shall receive an amount under this section for that fiscal year less than the amount that State received in fiscal year 2007.

''(e) ALLOWABLE USES.—Grants awarded under this section may be used to prepare for, respond to, recover from, and mitigate against all hazards through—

''(1) any activity authorized under title VI or section 201 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq. and 5131);

''(2) any activity permitted under the Fiscal Year 2007 Program Guidance of the Department for Emergency Management Performance Grants; and

''(3) any other activity approved by the Administrator that will improve the emergency management capacity of State, local, or tribal governments to coordinate, integrate, and enhance preparedness for, response to, recovery from, or mitigation against all-hazards.

''(f) COST SHARING.—

''(1) IN GENERAL.—Except as provided in subsection (i), the Federal share of the costs of an activity carried out with a grant under this section shall not exceed 50 percent.

''(2) IN-KIND MATCHING.—Each recipient of a grant under this section may meet the matching requirement under paragraph (1) by making in-kind contributions of goods or services that are directly linked with the purpose for which the grant is made.

''(g) DISTRIBUTION OF FUNDS.—The Administrator shall not delay distribution of grant funds to States under this section solely because of delays in or timing of awards of other grants administered by the Department.

''(h) LOCAL AND TRIBAL GOVERNMENTS.—

''(1) IN GENERAL.—In allocating grant funds received under this section, a State shall take into account the needs of local and tribal governments.

''(2) INDIAN TRIBES.—States shall be responsible for allocating grant funds received under this section to tribal governments in order to help those tribal communities improve their capabilities in preparing for, responding to, recovering from, or mitigating against all hazards. Tribal governments shall be eligible for funding directly from the States, and shall not be required to seek funding from any local government.

''(i) EMERGENCY OPERATIONS CENTERS IMPROVEMENT PROGRAM.—

''(1) IN GENERAL.—The Administrator may award grants to States under this section to plan for, equip, upgrade, or construct all-hazards State, local, or regional emergency operations centers.

''(2) REQUIREMENTS.—No grant awards under this section (including for the activities specified under this subsection) shall be used for construction unless such construction occurs under terms and conditions consistent with the requirements under section 611(j)(9) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(j)(9).

''(3) COST SHARING.—

''(A) IN GENERAL.—The Federal share of the costs of an activity carried out with a grant under this subsection shall not exceed 75 percent.

''(B) IN KIND MATCHING.—Each recipient of a grant for an activity under this section may meet the matching requirement under subparagraph (A) by making in-kind contributions of goods or services that are directly linked with the purpose for which the grant is made.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section—

''(1) for fiscal year 2007, such sums as are necessary;

''(2) for each of fiscal years 2008, 2009, and 2010, $913,180,500; and

''(3) for fiscal year 2011, and each fiscal year thereafter, such sums as are necessary.''.

SA 333. Mr. LEAHY (for himself, Mr. THOMAS, Mr. STEVENS, Mr. ROBERTS, Mr. PRYOR, Mr. SANDERS, Mr. ENZI, and Mr. HATCH) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, lines 19 and 20, strike ''0.45 percent'' and insert ''0.75 percent''.

SA 334. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FEDERAL FLIGHT DECK OFFICERS.

(a) IN GENERAL.—Section 44921(a) of title 49, United States Code, is amended to read as follows:

''(a) ESTABLISHMENT.—The Secretary of Homeland Security shall establish the Federal flight deck officer program to deputize eligible pilots as Federal law enforcement officers to defend against acts of criminal violence or air piracy. Such an officer shall be known as a 'Federal flight deck officer'.''.

(b) AUTHORITY TO CARRY FIREARMS.—Section 44921(f) of title 49, United States Code, is amended to read as follows:

''(f) AUTHORITY TO CARRY FIREARMS.—

''(1) IN GENERAL.—The Secretary shall authorize a Federal flight deck officer to carry a firearm on the officer's person. Notwithstanding subsection (c)(1), the officer may purchase a firearm and carry that firearm in accordance with this section if the firearm is of a type that may be used under the program.

''(2) PREEMPTION.—Notwithstanding any other provision of Federal, State, or local law, a Federal flight deck officer may carry a firearm in any State and from one State to another State.

''(3) CARRYING FIREARMS OUTSIDE UNITED STATES.—

''(A) IN GENERAL.—When operating to, from, or within the jurisdiction of a foreign government where an agreement allowing a Federal flight deck officer to carry or possess a firearm is not in effect, a Federal flight deck officer shall be designated as a Federal air marshal for the purposes of complying with international weapons carriage regulations and existing agreements with foreign governments. Nothing in this paragraph shall be construed to allow Federal flight deck officers to receive any other benefit of being so designated.

''(B) REQUIREMENT TO NEGOTIATE AGREEMENTS.—The Secretary of State shall negotiate agreements with foreign governments as necessary to allow Federal flight deck officers to carry and possess firearms within the jurisdictions of such foreign governments for protection of international flights against hijackings or other terrorist acts. Any such agreements shall provide Federal flight deck officers the same rights and privileges accorded Federal air marshals by such foreign governments.

''(4) DESCRIPTION OF AUTHORITY AND PROCEDURES.—The authority of a Federal flight deck officer to carry a firearm shall be identical to such authority granted to any other Federal law enforcement officer under Federal law. The operating procedures applicable to a Federal flight deck officer relating to carrying such firearm shall be no more restrictive than the restrictions for carrying a firearm that are generally imposed on any other Federal law enforcement officer who has statutory authority to carry a firearm.

''(5) LOCKED DEVICES.—

''(A) NO REQUIREMENT TO USE.—A Federal flight deck officer may not be required to carry or transport a firearm in a locked bag, box, or container.

''(B) REQUIREMENT TO PROVIDE.—Upon request of a Federal flight deck officer, the Secretary shall provide a secure locking device or other appropriate container for storage of a firearm by the Federal flight deck officer.''.

(c) DUE PROCESS.—Section 44921 of title 49, United States Code, is amended by adding at the end the follow new subsection:

''(l) DUE PROCESS.—Not later than 90 days after the date of enactment of the Improving America's Security Act of 2007, the Secretary shall establish procedures for the appeal of adverse decisions or actions. Such procedures shall provide timely notice of the action or decision, including specific reasons for the action or decision.''.

(d) IDENTIFICATION AND SCREENING.—Section 44921 of title 49, United States Code, as amended by subsection (c), is further amended by adding at the end the following new subsections:

''(m) CREDENTIALS.—The Secretary shall issue to each Federal flight deck officer standard Federal law enforcement credentials, including a distinctive metal badge, that are similar to the credentials issued to other Federal law enforcement officers.

''(n) SECURITY INSPECTIONS.—A Federal flight deck officer may not be subject to greater routine security inspection or screening protocols at or in the vicinity of an airport than the protocols that apply to other Federal law enforcement officers.''.

(e) REPORTS TO CONGRESS.—Section 44921 of title 49, United States Code, as amended by subsections (c) and (d), is further amended by adding at the end the following new subsection:

''(o) REPORTS TO CONGRESS.—

''(1) REPORTS ON PROGRAM.—Not less often than once every 6 months, the Secretary, in consultation with the Secretary of State, shall report to Congress on the progress that the Secretary of State has made in implementing international agreements to permit Federal flight deck officers to carry firearms on board an aircraft operating within the jurisdiction of a foreign country.

''(2) REPORT ON TRAINING.—Not later than 90 days after the date of enactment of the Improving America's Security Act of 2007, the Secretary shall report to Congress on the issues raised with respect to training in Department of Homeland Security Office of Inspector General report OIG-07-14 that includes proposals to address the issues raised in such report.''.

(f) CONFORMING AND OTHER AMENDMENTS.—Section 44921 of title 49, United States Code, as amended by sections (c), (d), and (e), is further amended—

(1) by striking ''Under Secretary'' each place it appears and inserting ''Secretary''; and

(2) by striking subparagraph (G) of subsection (b)(3).

SA 335. Mrs. FEINSTEIN (for herself, Mr. CORNYN, Mr. LAUTENBERG, Mrs. HUTCHISON, Mrs. BOXER, Mr. SCHUMER, Mrs. CLINTON, Mr. OBAMA, Mr. MENENDEZ, Mr. KERRY, Mr. COBURN, and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing

unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

On page 49, line 12, strike all through the matter preceding page 106, line 7, and insert the following:

TITLE II—RISK-BASED FUNDING FOR HOMELAND SECURITY

SEC. 201. RISK-BASED FUNDING FOR HOMELAND SECURITY.

(a) RISK-BASED FUNDING IN GENERAL.—The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.) is amended by adding at the end the following:

"TITLE XX—RISK-BASED FUNDING FOR HOMELAND SECURITY

"SEC. 2001. RISK-BASED FUNDING FOR HOMELAND SECURITY.

''(a) RISK-BASED FUNDING.—The Secretary shall ensure that homeland security grants are allocated based on an assessment of threat, vulnerability, and consequence to the maximum extent practicable.

''(b) COVERED GRANTS.—This title applies to grants provided by the Department to States, regions, or directly eligible tribes for the primary purpose of improving the ability of first responders to prevent, prepare for, respond to, or mitigate threatened or actual terrorist attacks, especially those involving weapons of mass destruction, and grants provided by the Department for improving homeland security, including the following:

''(1) STATE HOMELAND SECURITY GRANT PROGRAM.—The State Homeland Security Grant Program of the Department, or any successor to such grant program.

''(2) URBAN AREA SECURITY INITIATIVE.—The Urban Area Security Initiative of the Department, or any successor to such grant program.

''(3) LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.—The Law Enforcement Terrorism Prevention Program of the Department, or any successor to such grant program.

''(4) CITIZEN CORPS PROGRAM.—The Citizen Corps Program of the Department, or any successor to such grant program.

''(c) EXCLUDED PROGRAMS.—This title does not apply to or otherwise affect the following Federal grant programs or any grant under such a program:

''(1) NONDEPARTMENT PROGRAMS.—Any Federal grant program that is not administered by the Department.

''(2) FIRE GRANT PROGRAMS.—The fire grant programs authorized by sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a).

''(3) EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE ACCOUNT GRANTS.—The Emergency Management Performance Grant program and the Urban Search and Rescue Grants program authorized by title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq.), the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (113 Stat. 1047 et seq.), and the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.).

''(d) EFFECT ON COVERED GRANTS.—Nothing in this Act shall be construed to require the elimination of a covered grant program.''.

(b) COVERED GRANT ELIGIBILITY AND CRITERIA.—The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.), as amended by subsection (a), is amended by adding at the end the following:

"SEC. 2002. COVERED GRANT ELIGIBILITY AND CRITERIA.

''(a) GRANT ELIGIBILITY.—

''(1) IN GENERAL.—

''(A) GENERAL ELIGIBILITY.—Except as provided in subparagraphs (B) and (C), any State, region, or directly eligible tribe shall be eligible to apply for a covered grant.

''(B) URBAN AREA SECURITY INITIATIVE.—Only a region shall be eligible to apply for a grant under the Urban Area Security Initiative of the Department, or any successor to such grant program.

''(C) STATE HOMELAND SECURITY GRANT PROGRAM.—Only a State shall be eligible to apply for a grant under the State Homeland Security Grant Program of the Department, or any successor to such grant program.

''(2) OTHER GRANT APPLICANTS.—

''(A) IN GENERAL.—Grants provided by the Department for improving homeland security, including to seaports, airports, and other transportation facilities, shall be allocated as described in section 2001(a).

''(B) CONSIDERATION.—Applications for such grants shall be considered, to the extent determined appropriate by the Secretary, pursuant to the procedures and criteria established in this title, except that the eligibility requirements of paragraph (1) shall not apply.

''(3) CERTIFICATION OF REGIONS.—

''(A) IN GENERAL.—The Secretary shall certify a geographic area as a region if—

''(i) the geographic area meets the criteria under section 2007(10)(B) and (C); and

''(ii) the Secretary determines, based on an assessment of threat, vulnerability, and consequence, that certifying the geographic area as a region under this title is in the interest of national homeland security.

''(B) EXISTING URBAN AREA SECURITY INITIATIVE AREAS.—Notwithstanding section 2007(10)(B) and (C), a geographic area that, on or before the date of enactment of the Improving America's Security Act of 2007, was designated as a high-threat urban area for purposes of the Urban Area Security Initiative, shall be certified by the Secretary as a region unless the Secretary determines, based on an assessment of threat, vulnerability, and consequence, that certifying the geographic area as a region is not in the interest of national homeland security.

''(b) GRANT CRITERIA.—In awarding covered grants, the Secretary shall assist States, local governments, and operators of airports, ports, or similar facilities in achieving, maintaining, and enhancing the essential capabilities established by the Secretary under section 2003.

''(c) STATE HOMELAND SECURITY PLANS.—

''(1) SUBMISSION OF PLANS.—The Secretary shall require that any State applying to the Secretary for a covered grant shall submit to the Secretary a 3-year State homeland security plan that—

''(A) demonstrates the extent to which the State has achieved the essential capabilities that apply to the State;

''(B) demonstrates the needs of the State necessary to achieve, maintain, or enhance the essential capabilities that apply to the State;

''(C) includes a prioritization of such needs based on threat, vulnerability, and consequence assessment factors applicable to the State;

''(D) describes how the State intends—

''(i) to address such needs at the city, county, regional, tribal, State, and interstate level, including a precise description of any regional structure the State has established for the purpose of organizing homeland security preparedness activities funded by covered grants;

''(ii) to use all Federal, State, and local resources available for the purpose of addressing such needs; and

''(iii) to give particular emphasis to regional planning and cooperation, including the activities of multijurisdictional planning agencies governed by local officials, both within its jurisdictional borders and with neighboring States;

''(E) is developed in consultation with and subject to appropriate comment by local governments within the State; and

''(F) with respect to the emergency preparedness of first responders, addresses the unique aspects of terrorism as part of a comprehensive State emergency management plan.

''(2) APPROVAL BY SECRETARY.—The Secretary may not award any covered grant to a State unless the Secretary has approved the applicable State homeland security plan.

''(d) CONSISTENCY WITH STATE PLANS.—The Secretary shall ensure that each covered grant is used to supplement and support, in a consistent and coordinated manner, the applicable State homeland security plan or plans.

''(e) APPLICATION FOR GRANT.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, any State, region, directly eligible tribe, or operator of an airport, port, or similar facility may apply for a covered grant by submitting to the Secretary an application at such time, in such manner, and containing such information as is required under this subsection, or as the Secretary may reasonably require.

''(2) DEADLINES FOR APPLICATIONS AND AWARDS.—All applications for covered grants shall be submitted at such time as the Secretary may reasonably require for the fiscal year for which they are submitted. The Secretary shall award covered grants for all approved applications for such fiscal year as soon as practicable, but not later than March 1 of such year.

''(3) AVAILABILITY OF FUNDS.—All funds awarded by the Secretary under covered grants in a fiscal year shall be available for obligation through the end of the second subsequent fiscal year.

''(4) MINIMUM CONTENTS OF APPLICATION.—The Secretary shall require that each applicant include in its application, at a minimum—

''(A) the purpose for which the applicant seeks covered grant funds and the reasons why the applicant needs the covered grant to meet the essential capabilities for terrorism preparedness within the State, region, or directly eligible tribe or at the airport, port, or similar facility to which the application pertains;

''(B) a description of how, by reference to the applicable State homeland security plan or plans under subsection (c), the allocation of grant funding proposed in the application, including, where applicable, the amount not passed through under section 2006(g)(1), would assist in fulfilling the essential capabilities specified in such plan or plans;

''(C) a statement of whether a mutual aid agreement applies to the use of all or any portion of the covered grant funds;

''(D) if the applicant is a State, a description of how the State plans to allocate the covered grant funds to regions, local governments, and Indian tribes;

''(E) if the applicant is a region—

''(i) a precise geographical description of the region and a specification of all participating and nonparticipating local governments within the geographical area comprising that region;

''(ii) a specification of what governmental entity within the region will administer the expenditure of funds under the covered grant;

''(iii) a designation of a specific individual to serve as regional liaison; and

''(iv) a description of how the governmental entity administering the expenditure

of funds under the covered grant plans to allocate the covered grant funds to States, local governments, and Indian tribes;

''(F) a capital budget showing how the applicant intends to allocate and expend the covered grant funds; and

''(G) if the applicant is a directly eligible tribe, a designation of a specific individual to serve as the tribal liaison.

''(5) REGIONAL APPLICATIONS.—

''(A) RELATIONSHIP TO STATE APPLICATIONS.—A regional application—

''(i) shall be coordinated with an application submitted by the State or States of which such region is a part;

''(ii) shall supplement and avoid duplication with such State application; and

''(iii) shall address the unique regional aspects of such region's terrorism preparedness needs beyond those provided for in the application of such State or States.

''(B) STATE REVIEW AND SUBMISSION.—To ensure the consistency required under subsection (d) and the coordination required under subparagraph (A) of this paragraph, an applicant that is a region shall submit its application to each State of which any part is included in the region for review and concurrence before the submission of such application to the Secretary. The regional application shall be transmitted to the Secretary through each such State within 30 days after receipt of the application by that State, unless the Governor of such a State notifies the Secretary, in writing, that such regional application is inconsistent with the State's homeland security plan and provides an explanation of the reasons therefor.

''(C) DISTRIBUTION OF REGIONAL AWARDS.—If the Secretary approves a regional application, then the Secretary shall distribute a regional award to the State or States submitting the applicable regional application under subparagraph (B), and each such State shall, not later than the end of the 45-day period beginning on the date after receiving a regional award, pass through to the region all covered grant funds or resources purchased with such funds, except those funds necessary for the State to carry out its responsibilities with respect to such regional application. In no such case shall the State or States pass through to the region less than 80 percent of the regional award.

''(D) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO REGIONS.—Any State that receives a regional award under subparagraph (C) shall certify to the Secretary, by not later than 30 days after the expiration of the period described in subparagraph (C) with respect to the grant, that the State has made available to the region the required funds and resources in accordance with subparagraph (C).

''(E) DIRECT PAYMENTS TO REGIONS.—If any State fails to pass through a regional award to a region as required by subparagraph (C) within 45 days after receiving such award and does not request or receive an extension of such period under section 2006(h)(2), the region may petition the Secretary to receive directly the portion of the regional award that is required to be passed through to such region under subparagraph (C).

''(F) REGIONAL LIAISONS.—A regional liaison designated under paragraph (4)(E)(iii) shall—

''(i) coordinate with Federal, State, local, regional, and private officials within the region concerning terrorism preparedness;

''(ii) develop a process for receiving input from Federal, State, local, regional, and private sector officials within the region to assist in the development of the regional application and to improve the region's access to covered grants; and

''(iii) administer, in consultation with State, local, regional, and private officials within the region, covered grants awarded to the region.

''(6) TRIBAL APPLICATIONS.—

''(A) SUBMISSION TO THE STATE OR STATES.—To ensure the consistency required under subsection (d), an applicant that is a directly eligible tribe shall submit its application to each State within the boundaries of which any part of such tribe is located for direct submission to the Department along with the application of such State or States.

''(B) OPPORTUNITY FOR STATE COMMENT.—Before awarding any covered grant to a directly eligible tribe, the Secretary shall provide an opportunity to each State within the boundaries of which any part of such tribe is located to comment to the Secretary on the consistency of the tribe's application with the State's homeland security plan. Any such comments shall be submitted to the Secretary concurrently with the submission of the State and tribal applications.

''(C) FINAL AUTHORITY.—The Secretary shall have final authority to determine the consistency of any application of a directly eligible tribe with the applicable State homeland security plan or plans, and to approve any application of such tribe. The Secretary shall notify each State within the boundaries of which any part of such tribe is located of the approval of an application by such tribe.

''(D) TRIBAL LIAISON.—A tribal liaison designated under paragraph (4)(G) shall—

''(i) coordinate with Federal, State, and private sector officials to assist in the development of the application of such tribe and to improve the tribe's access to covered grants; and

''(ii) administer, in consultation with State, local, regional, and private officials, covered grants awarded to such tribe.

''(E) LIMITATION ON THE NUMBER OF DIRECT GRANTS.—The Secretary may make covered grants directly to not more than 20 directly eligible tribes per fiscal year.

''(F) TRIBES NOT RECEIVING DIRECT GRANTS.—An Indian tribe that does not receive a grant directly under this section is eligible to receive funds under a covered grant from the State or States within the boundaries of which any part of such tribe is located, consistent with the homeland security plan of the State as described in subsection (c). If a State fails to comply with section 2006(g)(1), the tribe may request payment under section 2006(h)(3) in the same manner as a local government.

''(7) EQUIPMENT STANDARDS.—If an applicant for a covered grant proposes to upgrade or purchase, with assistance provided under the grant, new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards established by the Secretary under section 2005(a), the applicant shall include in the application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

''(f) HOMELAND SECURITY GRANTS BOARD.—

''(1) ESTABLISHMENT OF BOARD.—The Secretary shall establish a Homeland Security Grants Board, consisting of—

''(A) the Secretary;

''(B) the Deputy Secretary of Homeland Security;

''(C) the Under Secretary for Emergency Preparedness and Response;

''(D) the Under Secretary for Border and Transportation Security;

''(E) the Under Secretary for Information Analysis and Infrastructure Protection;

''(F) the Under Secretary for Science and Technology; and

''(G) the Director of the Office of State and Local Government Coordination.

''(2) CHAIRMAN.—

''(A) IN GENERAL.—The Secretary shall be the Chairman of the Board.

''(B) EXERCISE OF AUTHORITIES BY DEPUTY SECRETARY.—The Deputy Secretary of Homeland Security may exercise the authorities of the Chairman, if the Secretary so directs.

''(3) RISK-BASED RANKING OF GRANT APPLICATIONS.—

''(A) PRIORITIZATION OF GRANTS.—The Board—

''(i) shall evaluate and annually prioritize all pending applications for covered grants based upon the degree to which they would, by achieving, maintaining, or enhancing the essential capabilities of the applicants on a nationwide basis, lessen the threat to, vulnerability of, and consequences for persons and critical infrastructure; and

''(ii) in evaluating the threat to persons and critical infrastructure for purposes of prioritizing covered grants, shall give greater weight to threats of terrorism based on their specificity and credibility, including any pattern of repetition.

''(B) MINIMUM AMOUNTS.—

''(i) IN GENERAL.—After evaluating and prioritizing grant applications under subparagraph (A), the Board shall ensure that, for each fiscal year, each State that has an approved State homeland security plan receives no less than 0.25 percent of the funds available for the State Homeland Security Grant Program, as described in section 2001(b)(1), for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of additional needs under subsection (c)(1)(C).

''(ii) OTHER ENTITIES.—Notwithstanding clause (i), the Board shall ensure that, for each fiscal year, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive 0.08 percent of the funds available for the State Homeland Security Grant Program, as described in section 2001(b)(1), for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of additional needs under subsection (c)(1)(C).

''(4) FUNCTIONS OF UNDER SECRETARIES.—The Under Secretaries referred to in paragraph (1) shall seek to ensure that the relevant expertise and input of the staff of their directorates are available to and considered by the Board.''.

SEC. 202. ESSENTIAL CAPABILITIES, TASK FORCES, AND STANDARDS.

The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.), as amended by section 201, is amended by adding at the end the following:

''SEC. 2003. ESSENTIAL CAPABILITIES FOR HOMELAND SECURITY.

''(a) ESTABLISHMENT OF ESSENTIAL CAPABILITIES.—

''(1) IN GENERAL.—For purposes of making covered grants, the Secretary shall establish clearly defined essential capabilities for State and local government preparedness for terrorism, in consultation with—

''(A) the Task Force on Essential Capabilities established under section 2004;

''(B) the Under Secretaries for Emergency Preparedness and Response, Border and Transportation Security, Information Analysis and Infrastructure Protection, and Science and Technology, and the Director of the Office of State and Local Government Coordination;

''(C) the Secretary of Health and Human Services;

''(D) other appropriate Federal agencies;

''(E) State and local first responder agencies and officials; and

''(F) consensus-based standard making organizations responsible for setting standards relevant to the first responder community.

''(2) DEADLINES.—The Secretary shall—

''(A) establish essential capabilities under paragraph (1) within 30 days after receipt of the report under section 2004(b); and

''(B) regularly update such essential capabilities as necessary, but not less than every 3 years.

''(3) PROVISION OF ESSENTIAL CAPABILITIES.—The Secretary shall ensure that a detailed description of the essential capabilities established under paragraph (1) is provided promptly to the States and to Congress. The States shall make the essential capabilities available as necessary and appropriate to local governments and operators of airports, ports, and other similar facilities within their jurisdictions.

''(b) OBJECTIVES.—The Secretary shall ensure that essential capabilities established under subsection (a)(1) meet the following objectives:

''(1) SPECIFICITY.—The determination of essential capabilities specifically shall describe the training, planning, personnel, and equipment that different types of communities in the Nation should possess, or to which they should have access, in order to meet the Department's goals for terrorism preparedness based upon—

''(A) the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection of the threats of terrorism against the United States;

''(B) the types of threats, vulnerabilities, geography, size, and other factors that the Secretary has determined to be applicable to each different type of community; and

''(C) the principles of regional coordination and mutual aid among State and local governments.

''(2) FLEXIBILITY.—The establishment of essential capabilities shall be sufficiently flexible to allow State and local government officials to set priorities based on particular needs, while reaching nationally determined terrorism preparedness levels within a specified time period.

''(3) MEASURABILITY.—The establishment of essential capabilities shall be designed to enable measurement of progress toward specific terrorism preparedness goals.

''(4) COMPREHENSIVENESS.—The determination of essential capabilities for terrorism preparedness shall be made within the context of a comprehensive State emergency management system.

''(c) FACTORS TO BE CONSIDERED.—

''(1) IN GENERAL.—In establishing essential capabilities under subsection (a)(1), the Secretary specifically shall consider the variables of threat, vulnerability, and consequences with respect to the Nation's population (including transient commuting and tourist populations) and critical infrastructure. Such consideration shall be based upon the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection of the threats of terrorism against the United States.

''(2) CRITICAL INFRASTRUCTURE SECTORS.—The Secretary specifically shall consider threats of terrorism against the following critical infrastructure sectors in all areas of the Nation, urban and rural:

''(A) Agriculture.

''(B) Banking and finance.

''(C) Chemical industries.

''(D) The defense industrial base.

''(E) Emergency services.

''(F) Energy.

''(G) Food.

''(H) Government.

''(I) Postal and shipping.

''(J) Public health.

''(K) Information and telecommunications networks.

''(L) Transportation.

''(M) Water.

The order in which the critical infrastructure sectors are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such sectors.

''(3) TYPES OF THREAT.—The Secretary specifically shall consider the following types of threat to the critical infrastructure sectors described in paragraph (2), and to populations in all areas of the Nation, urban and rural:

''(A) Biological threats.

''(B) Nuclear threats.

''(C) Radiological threats.

''(D) Incendiary threats.

''(E) Chemical threats.

''(F) Explosives.

''(G) Suicide bombers.

''(H) Cyber threats.

''(I) Any other threats based on proximity to specific past acts of terrorism or the known activity of any terrorist group.

The order in which the types of threat are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such threats.

''(4) CONSIDERATION OF ADDITIONAL FACTORS.—In establishing essential capabilities under subsection (a)(1), the Secretary shall take into account any other specific threat to a population (including a transient commuting or tourist population) or critical infrastructure sector that the Secretary has determined to exist.

''SEC. 2004. TASK FORCE ON ESSENTIAL CAPABILITIES.

''(a) ESTABLISHMENT.—To assist the Secretary in establishing essential capabilities under section 2003(a)(1), the Secretary shall establish an advisory body pursuant to section 871(a) not later than 60 days after the date of the enactment of this section, which shall be known as the Task Force on Essential Capabilities.

''(b) REPORT.—

''(1) IN GENERAL.—The Task Force shall submit to the Secretary, not later than 9 months after its establishment by the Secretary under subsection (a) and every 3 years thereafter, a report on its recommendations for essential capabilities for preparedness for terrorism.

''(2) CONTENTS.—The report shall—

''(A) include a priority ranking of essential capabilities in order to provide guidance to the Secretary and to Congress on determining the appropriate allocation of, and funding levels for, first responder needs;

''(B) set forth a methodology by which any State or local government will be able to determine the extent to which it possesses or has access to the essential capabilities that States and local governments having similar risks should obtain;

''(C) describe the availability of national voluntary consensus standards, and whether there is a need for new national voluntary consensus standards, with respect to first responder training and equipment;

''(D) include such additional matters as the Secretary may specify in order to further the terrorism preparedness capabilities of first responders; and

''(E) include such revisions to the contents of past reports as are necessary to take into account changes in the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection or other relevant information as determined by the Secretary.

''(3) CONSISTENCY WITH FEDERAL WORKING GROUP.—The Task Force shall ensure that its recommendations for essential capabilities are, to the extent feasible, consistent with any preparedness goals or recommendations of the Federal working group established under section 319F(a) of the Public Health Service Act (42 U.S.C. 247d–6(a)).

''(4) COMPREHENSIVENESS.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness are made within the context of a comprehensive State emergency management system.

''(5) PRIOR MEASURES.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness take into account any capabilities that State or local officials have determined to be essential and have undertaken since September 11, 2001, to prevent or prepare for terrorist attacks.

''(c) MEMBERSHIP.—

''(1) IN GENERAL.—The Task Force shall consist of 35 members appointed by the Secretary, and shall, to the extent practicable, represent a geographic and substantive cross section of governmental and nongovernmental first responder disciplines from the State and local levels, including as appropriate—

''(A) members selected from the emergency response field, including fire service and law enforcement, hazardous materials response, emergency medical services, and emergency management personnel (including public works personnel routinely engaged in emergency response);

''(B) health scientists, emergency and inpatient medical providers, and public health professionals, including experts in emergency health care response to chemical, biological, radiological, and nuclear terrorism, and experts in providing mental health care during emergency response operations;

''(C) experts from Federal, State, and local governments, and the private sector, representing standards-setting organizations, including representation from the voluntary consensus codes and standards development community, particularly those with expertise in first responder disciplines; and

''(D) State and local officials with expertise in terrorism preparedness, subject to the condition that if any such official is an elected official representing 1 of the 2 major political parties, an equal number of elected officials shall be selected from each such party.

''(2) COORDINATION WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—In the selection of members of the Task Force who are health professionals, including emergency medical professionals, the Secretary shall coordinate the selection with the Secretary of Health and Human Services.

''(3) EX OFFICIO MEMBERS.—The Secretary and the Secretary of Health and Human Services shall each designate 1 or more officers of their respective Departments to serve as ex officio members of the Task Force. One of the ex officio members from the Department of Homeland Security shall be the designated officer of the Federal Government for purposes of subsection (e) of section 10 of the Federal Advisory Committee Act (5 App. U.S.C.).

''(d) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Notwithstanding section 871(a), the Federal Advisory Committee Act (5 U.S.C. App.), including subsections (a), (b), and (d) of section 10 of such Act, and section 552b(c) of title 5, United States Code, shall apply to the Task Force.

''SEC. 2005. NATIONAL STANDARDS FOR FIRST RESPONDER EQUIPMENT AND TRAINING.

''(a) EQUIPMENT STANDARDS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology and the Director of the Office of State and Local Government Coordination, shall, not later than 6 months

after the date of enactment of this section, support the development of, promulgate, and update as necessary national voluntary consensus standards for the performance, use, and validation of first responder equipment for purposes of section 2002(e)(7). Such standards—

''(A) shall be, to the maximum extent practicable, consistent with any existing voluntary consensus standards;

''(B) shall take into account, as appropriate, new types of terrorism threats that may not have been contemplated when such existing standards were developed;

''(C) shall be focused on maximizing interoperability, interchangeability, durability, flexibility, efficiency, efficacy, portability, sustainability, and safety; and

''(D) shall cover all appropriate uses of the equipment.

''(2) REQUIRED CATEGORIES.—In carrying out paragraph (1), the Secretary shall specifically consider the following categories of first responder equipment:

''(A) Thermal imaging equipment.

''(B) Radiation detection and analysis equipment.

''(C) Biological detection and analysis equipment.

''(D) Chemical detection and analysis equipment.

''(E) Decontamination and sterilization equipment.

''(F) Personal protective equipment, including garments, boots, gloves, and hoods, and other protective clothing.

''(G) Respiratory protection equipment.

''(H) Interoperable communications, including wireless and wireline voice, video, and data networks.

''(I) Explosive mitigation devices and explosive detection and analysis equipment.

''(J) Containment vessels.

''(K) Contaminant-resistant vehicles.

''(L) Such other equipment for which the Secretary determines that national voluntary consensus standards would be appropriate.

''(b) TRAINING STANDARDS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology and the Director of the Office of State and Local Government Coordination, shall support the development of, promulgate, and regularly update as necessary national voluntary consensus standards for first responder training carried out with amounts provided under covered grant programs, that will enable State and local government first responders to achieve optimal levels of terrorism preparedness as quickly as practicable. Such standards shall give priority to providing training to—

''(A) enable first responders to prevent, prepare for, respond to, and mitigate terrorist threats, including threats from chemical, biological, nuclear, and radiological weapons and explosive devices capable of inflicting significant human casualties; and

''(B) familiarize first responders with the proper use of equipment, including software, developed pursuant to the standards established under subsection (a).

''(2) REQUIRED CATEGORIES.—In carrying out paragraph (1), the Secretary specifically shall include the following categories of first responder activities:

''(A) Regional planning.

''(B) Joint exercises.

''(C) Intelligence collection, analysis, and sharing.

''(D) Emergency notification of affected populations.

''(E) Detection of biological, nuclear, radiological, and chemical weapons of mass destruction.

''(F) Such other activities for which the Secretary determines that national voluntary consensus training standards would be appropriate.

''(3) CONSISTENCY.—In carrying out this subsection, the Secretary shall ensure that such training standards are consistent with the principles of emergency preparedness for all hazards.

''(c) CONSULTATION WITH STANDARDS ORGANIZATIONS.—In establishing national voluntary consensus standards for first responder equipment and training under this section, the Secretary shall consult with relevant public and private sector groups, including—

''(1) the National Institute of Standards and Technology;

''(2) the National Fire Protection Association;

''(3) the National Association of County and City Health Officials;

''(4) the Association of State and Territorial Health Officials;

''(5) the American National Standards Institute;

''(6) the National Institute of Justice;

''(7) the Inter-Agency Board for Equipment Standardization and Interoperability;

''(8) the National Public Health Performance Standards Program;

''(9) the National Institute for Occupational Safety and Health;

''(10) ASTM International;

''(11) the International Safety Equipment Association;

''(12) the Emergency Management Accreditation Program;

''(13) the National Domestic Preparedness Consortium; and

''(14) to the extent the Secretary considers appropriate, other national voluntary consensus standards development organizations, other interested Federal, State, and local agencies, and other interested persons.

''(d) COORDINATION WITH SECRETARY OF HHS.—In establishing any national voluntary consensus standards under this section for first responder equipment or training that involve or relate to health professionals, including emergency medical professionals, the Secretary shall coordinate activities under this section with the Secretary of Health and Human Services.''.

SEC. 203. EFFECTIVE ADMINISTRATION OF HOMELAND SECURITY GRANTS.

(a) USE OF GRANT FUNDS AND ACCOUNTABILITY.—The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.), as amended by sections 201 and 202, is amended by adding at the end the following:

''SEC. 2006. USE OF FUNDS AND ACCOUNTABILITY REQUIREMENTS.

''(a) IN GENERAL.—A covered grant may be used for—

''(1) purchasing, upgrading, or maintaining equipment, including computer software, to enhance terrorism preparedness and response;

''(2) exercises to strengthen terrorism preparedness and response;

''(3) training for prevention (including detection) of, preparedness for, or response to attacks involving weapons of mass destruction, including training in the use of equipment and computer software;

''(4) developing or updating response plans;

''(5) establishing or enhancing mechanisms for sharing terrorism threat information;

''(6) systems architecture and engineering, program planning and management, strategy formulation and strategic planning, lifecycle systems design, product and technology evaluation, and prototype development for terrorism preparedness and response purposes;

''(7) additional personnel costs resulting from—

''(A) elevations in the threat alert level of the Homeland Security Advisory System by the Secretary, or a similar elevation in threat alert level issued by a State, region, or local government with the approval of the Secretary;

''(B) travel to and participation in exercises and training in the use of equipment and on prevention activities;

''(C) the temporary replacement of personnel during any period of travel to and participation in exercises and training in the use of equipment and on prevention activities; and

''(D) participation in information, investigative, and intelligence-sharing activities specifically related to terrorism prevention;

''(8) the costs of equipment (including software) required to receive, transmit, handle, and store classified information;

''(9) target hardening to reduce the vulnerability of high-value targets, as determined by the Secretary;

''(10) protecting critical infrastructure against potential attack by the addition of barriers, fences, gates, and other such devices, except that the cost of such measures may not exceed the greater of—

''(A) $1,000,000 per project; or

''(B) such greater amount as may be approved by the Secretary, which may not exceed 10 percent of the total amount of the covered grant;

''(11) the costs of commercially available interoperable communications equipment (which, where applicable, is based on national, voluntary consensus standards) that the Secretary, in consultation with the Chairman of the Federal Communications Commission, determines best suited to facilitate interoperability, coordination, and integration between and among emergency communications systems, and that complies with prevailing grant guidance of the Department for interoperable communications;

''(12) educational curricula development for first responders to ensure that they are prepared for terrorist attacks;

''(13) training and exercises to assist public elementary and secondary schools in developing and implementing programs to instruct students regarding age-appropriate skills to prepare for and respond to an act of terrorism;

''(14) paying of administrative expenses directly related to administration of the grant, except that such expenses may not exceed 3 percent of the amount of the grant; and

''(15) other appropriate activities as determined by the Secretary.

''(b) PROHIBITED USES.—Funds provided as a covered grant may not be used—

''(1) to supplant State or local funds that have been obligated for a homeland security or other first responder-related project;

''(2) to construct buildings or other physical facilities, except for—

''(A) activities under section 611 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196); and

''(B) upgrading facilities to protect against, test for, and treat the effects of biological agents, which shall be included in the homeland security plan approved by the Secretary under section 2002(c);

''(3) to acquire land; or

''(4) for any State or local government cost-sharing contribution.

''(c) MULTIPLE-PURPOSE FUNDS.—Nothing in this section shall be construed to preclude State and local governments from using covered grant funds in a manner that also enhances first responder preparedness for emergencies and disasters unrelated to acts of terrorism, if such use assists such governments in achieving essential capabilities for terrorism preparedness established by the Secretary under section 2003.

''(d) REIMBURSEMENT OF COSTS.—In addition to the activities described in subsection (a), a covered grant may be used to provide a reasonable stipend to paid-on-call or volunteer first responders who are not otherwise compensated for travel to or participation in training covered by this section. Any such reimbursement shall not be considered compensation for purposes of rendering such a first responder an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

''(e) ASSISTANCE REQUIREMENT.—The Secretary may not request that equipment paid for, wholly or in part, with funds provided as a covered grant be made available for responding to emergencies in surrounding States, regions, and localities, unless the Secretary pays the costs directly attributable to transporting and operating such equipment during such response.

''(f) FLEXIBILITY IN UNSPENT HOMELAND SECURITY GRANT FUNDS.—Upon request by the recipient of a covered grant, the Secretary may authorize the grantee to transfer all or part of funds provided as the covered grant from uses specified in the grant agreement to other uses authorized under this section, if the Secretary determines that such transfer is in the interests of homeland security.

''(g) STATE, REGIONAL, AND TRIBAL RESPONSIBILITIES.—

''(1) PASS-THROUGH.—The Secretary shall require a recipient of a covered grant that is a State to obligate or otherwise make available to local governments, first responders, and other local groups, to the extent required under the State homeland security plan or plans specified in the application for the grant, not less than 80 percent of the grant funds, resources purchased with the grant funds having a value equal to at least 80 percent of the amount of the grant, or a combination of funds and resources having value equal to at least 80 percent of the amount of the grant, by not later than the end of the 45-day period beginning on the date the grant recipient receives the grant funds.

''(2) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO LOCAL GOVERNMENTS.—Any State that receives a covered grant shall certify to the Secretary, by not later than 30 days after the expiration of the period described in paragraph (1) with respect to the grant, that the State has made available for expenditure by local governments, first responders, and other local groups the required amount of grant funds under paragraph (1).

''(3) QUARTERLY REPORT ON HOMELAND SECURITY SPENDING.—Each recipient of a covered grant shall submit a quarterly report to the Secretary not later than 30 days after the end of each fiscal quarter. Each report shall include, for each recipient of a covered grant or a pass-through under paragraph (1)—

''(A) the amount obligated to that recipient in that quarter;

''(B) the amount expended by that recipient in that quarter; and

''(C) a summary description of the items purchased by such recipient with such amount.

''(4) ANNUAL REPORT ON HOMELAND SECURITY SPENDING.—Each recipient of a covered grant shall submit an annual report to the Secretary not later than 60 days after the end of each fiscal year. Each recipient of a covered grant that is a region shall simultaneously submit its report to each State of which any part is included in the region. Each recipient of a covered grant that is a directly eligible tribe shall simultaneously submit its report to each State within the boundaries of which any part of such tribe is located. Each report shall include the following:

''(A) The amount, ultimate recipients, and dates of receipt of all funds received under the grant during the previous fiscal year.

''(B) The amount and the dates of disbursements of all such funds expended in compliance with paragraph (1) or pursuant to mutual aid agreements or other sharing arrangements that apply within the State, region, or directly eligible tribe, as applicable, during the previous fiscal year.

''(C) How the funds were utilized by each ultimate recipient or beneficiary during the preceding fiscal year.

''(D) The extent to which essential capabilities identified in the applicable State homeland security plan or plans were achieved, maintained, or enhanced as the result of the expenditure of grant funds during the preceding fiscal year.

''(E) The extent to which essential capabilities identified in the applicable State homeland security plan or plans remain unmet.

''(5) INCLUSION OF RESTRICTED ANNEXES.—A recipient of a covered grant may submit to the Secretary an annex to the annual report under paragraph (4) that is subject to appropriate handling restrictions, if the recipient believes that discussion in the report of unmet needs would reveal sensitive but unclassified information.

''(6) PROVISION OF REPORTS.—The Secretary shall ensure that each annual report under paragraph (4) is provided to the Under Secretary for Emergency Preparedness and Response and the Director of the Office of State and Local Government Coordination.

''(h) INCENTIVES TO EFFICIENT ADMINISTRATION OF HOMELAND SECURITY GRANTS.—

''(1) PENALTIES FOR DELAY IN PASSING THROUGH LOCAL SHARE.—If a recipient of a covered grant that is a State fails to pass through to local governments, first responders, and other local groups funds or resources required by subsection (g)(1) within 45 days after receiving funds under the grant, the Secretary may—

''(A) reduce grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1);

''(B) terminate payment of funds under the grant to the recipient, and transfer the appropriate portion of those funds directly to local first responders that were intended to receive funding under that grant; or

''(C) impose additional restrictions or burdens on the recipient's use of funds under the grant, which may include—

''(i) prohibiting use of such funds to pay the grant recipient's grant-related overtime or other expenses;

''(ii) requiring the grant recipient to distribute to local government beneficiaries all or a portion of grant funds that are not required to be passed through under subsection (g)(1); or

''(iii) for each day that the grant recipient fails to pass through funds or resources in accordance with subsection (g)(1), reducing grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1), except that the total amount of such reduction may not exceed 20 percent of the total amount of the grant.

''(2) EXTENSION OF PERIOD.—The Governor of a State may request in writing that the Secretary extend the 45-day period under section 2002(e)(5)(E) or paragraph (1) of this subsection for an additional 15-day period. The Secretary may approve such a request, and may extend such period for additional 15-day periods, if the Secretary determines that the resulting delay in providing grant funding to the local government entities that will receive funding under the grant will not have a significant detrimental impact on such entities' terrorism preparedness efforts.

''(3) PROVISION OF NON-LOCAL SHARE TO LOCAL GOVERNMENT.—

''(A) IN GENERAL.—The Secretary may upon request by a local government pay to the local government a portion of the amount of a covered grant awarded to a State in which the local government is located, if—

''(i) the local government will use the amount paid to expedite planned enhancements to its terrorism preparedness as described in any applicable State homeland security plan or plans;

''(ii) the State has failed to pass through funds or resources in accordance with subsection (g)(1); and

''(iii) the local government complies with subparagraph (B).

''(B) SHOWING REQUIRED.—To receive a payment under this paragraph, a local government must demonstrate that—

''(i) it is identified explicitly as an ultimate recipient or intended beneficiary in the approved grant application;

''(ii) it was intended by the grantee to receive a severable portion of the overall grant for a specific purpose that is identified in the grant application;

''(iii) it petitioned the grantee for the funds or resources after expiration of the period within which the funds or resources were required to be passed through under subsection (g)(1); and

''(iv) it did not receive the portion of the overall grant that was earmarked or designated for its use or benefit.

''(C) EFFECT OF PAYMENT.—Payment of grant funds to a local government under this paragraph—

''(i) shall not affect any payment to another local government under this paragraph; and

''(ii) shall not prejudice consideration of a request for payment under this paragraph that is submitted by another local government.

''(D) DEADLINE FOR ACTION BY SECRETARY.—The Secretary shall approve or disapprove each request for payment under this paragraph by not later than 15 days after the date the request is received by the Department.

''(i) REPORTS TO CONGRESS.—The Secretary shall submit an annual report to Congress by December 31 of each year—

''(1) describing in detail the amount of Federal funds provided as covered grants that were directed to each State, region, and directly eligible tribe in the preceding fiscal year;

''(2) containing information on the use of such grant funds by grantees; and

''(3) describing—

''(A) the Nation's progress in achieving, maintaining, and enhancing the essential capabilities established under section 2003(a) as a result of the expenditure of covered grant funds during the preceding fiscal year; and

''(B) an estimate of the amount of expenditures required to attain across the United States the essential capabilities established under section 2003(a).''.

(b) SENSE OF CONGRESS REGARDING CITIZEN CORPS COUNCILS.—

(1) FINDING.—Congress finds that Citizen Corps councils help to enhance local citizen participation in terrorism preparedness by coordinating multiple Citizen Corps programs, developing community action plans, assessing possible threats, and identifying local resources.

(2) SENSE OF CONGRESS.—It is the sense of Congress that individual Citizen Corps councils should seek to enhance the preparedness and response capabilities of all organizations participating in the councils, including by

providing funding to as many of their participating organizations as practicable to promote local terrorism preparedness programs.

(c) REQUIRED COORDINATION.—The Secretary shall ensure that there is effective and ongoing coordination of Federal efforts to prevent, prepare for, and respond to acts of terrorism and other major disasters and emergencies among the divisions of the Department, including the Directorate of Emergency Preparedness and Response and the Office for State and Local Government Coordination and Preparedness.

(d) COORDINATION OF INDUSTRY EFFORTS.—Section 102(f) of the Homeland Security Act of 2002 (6 U.S.C. 112(f)) is amended—

(1) in paragraph (9), by striking ''and'' after the semicolon;

(2) in paragraph (10), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(11) coordinating industry efforts, with respect to functions of the Department, to identify private sector resources and capabilities that could be effective in supplementing Federal, State, and local government agency efforts to prevent or respond to a terrorist attack.''.

(e) STUDY REGARDING NATIONWIDE EMERGENCY NOTIFICATION SYSTEM.—

(1) STUDY.—The Secretary, in consultation with the heads of other appropriate Federal agencies and representatives of providers and participants in the telecommunications industry, shall conduct a study to determine whether it is cost effective, efficient, and feasible to establish and implement an emergency telephonic alert notification system that will—

(A) alert persons in the United States of imminent or current hazardous events caused by acts of terrorism; and

(B) provide information to individuals regarding appropriate measures that may be undertaken to alleviate or minimize threats to their safety and welfare posed by such events.

(2) TECHNOLOGIES TO CONSIDER.—In conducting the study under paragraph (1), the Secretary shall consider the use of the telephone, wireless communications, and other existing communications networks to provide such notification.

(3) REPORT.—Not later than 9 months after the date of enactment of this Act, the Secretary shall submit to Congress a report regarding the conclusions of the study conducted under paragraph (1).

(f) STUDY OF EXPANSION OF AREA OF JURISDICTION OF OFFICE OF NATIONAL CAPITAL REGION COORDINATION.—

(1) STUDY.—The Secretary, acting through the Director of the Office of National Capital Region Coordination, shall conduct a study of the feasibility and desirability of modifying the definition of ''National Capital Region'' applicable under section 882 of the Homeland Security Act of 2002 (6 U.S.C. 462) to expand the geographic area under the jurisdiction of the Office of National Capital Region Coordination.

(2) FACTORS.—In conducting the study under paragraph (1), the Secretary shall analyze whether expanding the geographic area under the jurisdiction of the Office of National Region Coordination will—

(A) promote coordination among State and local governments within the Region, including regional governing bodies, and coordination of the efforts of first responders; and

(B) enhance the ability of such State and local governments and the Federal Government to prevent and respond to a terrorist attack within the Region.

(3) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit a report to Congress on the study conducted under paragraph (1), and shall include in the report such recommendations (including recommendations for legislation to amend section 882 of the Homeland Security Act of 2002 (6 U.S.C. 462)) as the Secretary considers appropriate.

(g) STUDY OF RISK ALLOCATION FOR PORT SECURITY GRANTS.—

(1) STUDY.—The Secretary shall conduct a study of the factors to be used for the allocation of funds based on risk for port security grants made under section 70107 of title 46, United States Code.

(2) FACTORS.—In conducting the study, the Secretary shall analyze the volume of international trade and economic significance of each port.

(3) REPORT.—Not later than 90 days after the enactment of the Act, the Secretary shall submit a report to Congress on the study and shall include recommendations for using such factors in allocating grant funds to ports.

(h) STUDY OF ALLOCATION OF ASSISTANCE TO FIREFIGHTER GRANTS.—

(1) STUDY.—The Secretary shall conduct a study of the allocation of grant fund awards made under the Assistance to Firefighter Grants program and shall analyze the distribution of awards by State.

(2) FACTORS.—In conducting the study, the Secretary shall analyze the number of awards and the per capita amount of grant funds awarded to each State and the level of unmet firefighting equipment needs in each State. The study shall also analyze whether allowing local departments to submit more than 1 annual application and expanding the list of eligible applicants for such grants to include States will enhance the ability of State and local governments to respond to fires.

(3) REPORT.—Not later than 90 days after the date of enactment of the Act, the Secretary shall submit a report to Congress on the study and shall include recommendations for legislation amending the factors used in allocating grant funds to insure that critical firefighting needs are addressed by the program in all areas of the Nation.

SEC. 204. MINIMUM PERFORMANCE REQUIREMENTS.

The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.), as amended by sections 201, 202, and 203 is amended by adding at the end the following:

''SEC. 2007. MINIMUM PERFORMANCE REQUIREMENTS.

''(a) IN GENERAL.—The Administrator shall—

''(1) establish minimum performance requirements for entities that receive homeland security grants;

''(2) conduct, in coordination with State, regional, local, and tribal governments receiving grants under the Homeland Security Grant Program, simulations and exercises to test the minimum performance requirements established under paragraph (1) for—

''(A) emergencies (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) and major disasters not less than twice each year; and

''(B) catastrophic incidents (as that term is defined in section 501) not less than once each year; and

''(3) ensure that entities that the Administrator determines are failing to demonstrate minimum performance requirements established under paragraph (1) shall remedy the areas of failure, not later than the end of the second full fiscal year after the date of such determination by—

''(A) establishing a plan for the achievement of the minimum performance requirements under paragraph (1), including—

''(i) developing intermediate indicators for the 2 fiscal years following the date of such determination; and

''(ii) conducting additional simulations and exercises; and

''(B) revising an entity's homeland security plan, if necessary, to achieve the minimum performance requirements under paragraph (1).

''(b) WAIVER.—At the discretion of the Administrator, the occurrence of an actual emergency, major disaster, or catastrophic incident in an area may be deemed as a simulation under subsection (a)(2).

''(c) REPORT TO CONGRESS.—Not later than the end of the first full fiscal year after the date of enactment of the Improving America's Security Act of 2007, and each fiscal year thereafter, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and to the Committee on Homeland Security of the House of Representatives a report describing—

''(1) the performance of grantees under subsection (a)(1);

''(2) lessons learned through the simulations and exercises under subsection (a)(2); and

''(3) efforts being made to remedy failed performance under subsection (a)(3).''.

SEC. 205. AUDITS.

The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.), as amended by sections 201, 202, 203, and 204 is amended by adding at the end the following:

''SEC. 2008. AUDITING.

''(a) AUDIT OF GRANTS.—

''(1) IN GENERAL.—Not later than the date described in paragraph (2), and every 2 years thereafter, the Inspector General of the Department shall conduct an audit of each entity that receives a covered grant or a grant under section 1809 to evaluate the use of funds under such grant program by such entity.

''(2) TIMING.—The date described in this paragraph is the later of 2 years after—

''(A) the date of enactment of the Improving America's Security Act of 2007; and

''(B) the date that an entity first receives a covered grant or a grant under section 1809, as the case may be.

''(3) CONTENTS.—Each audit under this subsection shall evaluate—

''(A) the use of funds under the relevant grant program by an entity during the 2 full fiscal years before the date of that audit; and

''(B) whether funds under that grant program were used by that entity as required by law.

''(4) PUBLIC AVAILABILITY ON WEBSITE.—The Inspector General of the Department shall make each audit under this subsection available on the website of the Inspector General.

''(5) REPORTING.—

''(A) IN GENERAL.—Not later than 2 years and 60 days after the date of enactment of the Improving America's Security Act of 2007, and annually thereafter, the Inspector General of the Department shall submit to Congress a consolidated report regarding the audits conducted under this subsection.

''(B) CONTENTS.—Each report submitted under this paragraph shall describe—

''(i)(I) for the first such report, the audits conducted under this subsection during the 2-year period beginning on the date of enactment of the Improving America's Security Act of 2007; and

''(II) for each subsequent such report, the audits conducted under this subsection during the fiscal year before the date of the submission of that report;

''(ii) whether funds under each grant audited during the period described in clause (i) that is applicable to such report were used as required by law.

''(b) AUDIT OF OTHER PREPAREDNESS GRANTS.—

''(1) IN GENERAL.—Not later than the date described in paragraph (2), the Inspector General of the Department shall conduct an audit of each entity that receives a covered grant or a grant under section 1809 to evaluate the use by that entity of any grant for preparedness administered by the Department that was awarded before the date of enactment of the Improving America's Security Act of 2007.

''(2) TIMING.—The date described in this paragraph is the later of 2 years after—

''(A) the date of enactment of the Improving America's Security Act of 2007; and

''(B) the date that an entity first receives a covered grant or a grant under section 1809, as the case may be.

''(3) CONTENTS.—Each audit under this subsection shall evaluate—

''(A) the use of funds by an entity under any grant for preparedness administered by the Department that was awarded before the date of enactment of the Improving America's Security Act of 2007;

''(B) whether funds under each such grant program were used by that entity as required by law; and

''(C) the extent to which such funds were used to enhance preparedness.

''(4) PUBLIC AVAILABILITY ON WEBSITE.—The Inspector General of the Department shall make each audit under this subsection available on the website of the Inspector General.

''(5) REPORTING.—

''(A) IN GENERAL.—Not later than 2 years and 60 days after the date of enactment of the Improving America's Security Act of 2007, and annually thereafter, the Inspector General of the Department shall submit to Congress a consolidated report regarding the audits conducted under this subsection.

''(B) CONTENTS.—Each report submitted under this paragraph shall describe—

''(i)(I) for the first such report, the audits conducted under this subsection during the 2-year period beginning on the date of enactment of the Improving America's Security Act of 2007; and

''(II) for each subsequent such report, the audits conducted under this subsection during the fiscal year before the date of the submission of that report;

''(ii) whether funds under each grant audited were used as required by law; and

''(iii) the extent to which funds under each grant audited were used to enhance preparedness.

''(c) FUNDING FOR AUDITS.—

''(1) IN GENERAL.—The Administrator shall withhold 1 percent of the total amount of each covered grant or a grant under section 1809 for audits under this section.

''(2) AVAILABILITY OF FUNDS.—The Administrator shall make amounts withheld under this subsection available as follows:

''(A) Amounts withheld from grants under the State Homeland Security Grant Program shall be made available for audits under this section of entities receiving grants under the State Homeland Security Grant Program.

''(B) Amounts withheld from grants under the Urban Area Security Initiative shall be made available for audits under this section of entities receiving grants under the Urban Area Security Initiative.

''(C) Amounts withheld from grants under the Law Enforcement Terrorism Prevention Program shall be made available for audits under this section of entities receiving grants under the Law Enforcement Terrorism Prevention Grant Program.

''(D) Amounts withheld from grants under the Citizen Corps Program shall be made available for audits under this section of entities receiving grants under the Citizen Corps Program.

''(E) Amounts withheld from grants under section 1809 shall be made available for audits under this section of entities receiving grants under section 1809.''.

SEC. 206. IMPLEMENTATION; DEFINITIONS; TABLE OF CONTENTS.

(a) TECHNICAL AND CONFORMING AMENDMENT.—Section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714) is amended—

(1) by striking subsection (c)(3);

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

''(c) ADMINISTRATION.—Grants under this section shall be administered in accordance with title XX of the Homeland Security Act of 2002.''.

(b) TEMPORARY LIMITATIONS ON APPLICATION.—

(1) 1-YEAR DELAY IN APPLICATION.—The following provisions of title XX of the Homeland Security Act of 2002, as added by this Act, shall not apply during the 1-year period beginning on the date of enactment of this Act—

(A) Subsections (b), (c), and (e)(4) (A) and (B) of section 2002; and

(B) In section 2002(f)(3)(A)(i), the phrase ''by achieving, maintaining, or enhancing the essential capabilities of the applicants on a nationwide basis,''.

(2) 2-YEAR DELAY IN APPLICATION.—The following provisions of title XX of the Homeland Security Act of 2002, as added by this Act, shall not apply during the 2-year period beginning on the date of enactment of this Act—

(A) Subparagraphs (D) and (E) of section 2006(g)(4); and

(B) Section 2006(i)(3).

(c) DEFINITIONS.—

(1) TITLE XX.—Title XX of the Homeland Security Act of 2002, as amended by sections 201, 202, 203, 204, and 205 is amended by adding at the end the following:

''SEC. 2009. DEFINITIONS.

''In this title:

''(1) BOARD.—The term 'Board' means the Homeland Security Grants Board established under section 2002(f).

''(2) CONSEQUENCE.—The term 'consequence' means the assessment of the effect of a completed attack.

''(3) COVERED GRANT.—The term 'covered grant' means any grant to which this title applies under section 2001(b).

''(4) DIRECTLY ELIGIBLE TRIBE.—The term 'directly eligible tribe' means any Indian tribe or consortium of Indian tribes that—

''(A) meets the criteria for inclusion in the qualified applicant pool for self-governance that are set forth in section 402(c) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bb(c));

''(B) employs at least 10 full-time personnel in a law enforcement or emergency response agency with the capacity to respond to calls for law enforcement or emergency services; and

''(C)(i) is located on, or within 5 miles of, an international border or waterway;

''(ii) is located within 5 miles of a facility designated as high-risk critical infrastructure by the Secretary;

''(iii) is located within or contiguous to 1 of the 50 largest metropolitan statistical areas in the United States; or

''(iv) has more than 1,000 square miles of Indian country, as that term is defined in section 1151 of title 18, United States Code.

''(5) ELEVATIONS IN THE THREAT ALERT LEVEL.—The term 'elevations in the threat alert level' means any designation (including those that are less than national in scope) that raises the homeland security threat level to either the highest or second-highest threat level under the Homeland Security Advisory System referred to in section 201(d)(7).

''(6) EMERGENCY PREPAREDNESS.—The term 'emergency preparedness' shall have the same meaning that term has under section 602 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a).

''(7) ESSENTIAL CAPABILITIES.—The term 'essential capabilities' means the levels, availability, and competence of emergency personnel, planning, training, and equipment across a variety of disciplines needed to effectively and efficiently prevent, prepare for, and respond to acts of terrorism consistent with established practices.

''(8) FIRST RESPONDER.—The term 'first responder' shall have the same meaning as the term 'emergency response provider' under section 2.

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

''(10) REGION.—The term 'region' means any geographic area—

''(A) certified by the Secretary under section 2002(a)(3);

''(B) consisting of all or parts of 2 or more counties, municipalities, or other local governments and including a city with a core population exceeding 500,000 according to the most recent estimate available from the United States Census; and

''(C) that, for purposes of an application for a covered grant—

''(i) is represented by 1 or more local governments or governmental agencies within such geographic area; and

''(ii) is established by law or by agreement of 2 or more such local governments or governmental agencies, such as through a mutual aid agreement.

''(11) RISK-BASED FUNDING.—The term 'risk-based funding' means the allocation of funds based on an assessment of threat, vulnerability, and consequence.

''(12) TASK FORCE.—The term 'Task Force' means the Task Force on Essential Capabilities established under section 2004.

''(13) THREAT.—The term 'threat' means the assessment of the plans, intentions, and capability of an adversary to implement an identified attack scenario.

''(14) VULNERABILITY.—The term 'vulnerability' means the degree to which a facility is available or accessible to an attack, including the degree to which the facility is inherently secure or has been hardened against such an attack.''.

(2) DEFINITION OF EMERGENCY RESPONSE PROVIDERS.—Paragraph (6) of section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101(6)) is amended by striking ''includes'' and all that follows and inserting ''includes Federal, State, and local governmental and nongovernmental emergency public safety, law enforcement, fire, emergency response, emergency medical (including hospital emergency facilities), and related personnel, organizations, agencies, and authorities.''.

(d) TABLE OF CONTENTS.—Section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended in the table of contents by adding at the end the following:

''TITLE XX—RISK-BASED FUNDING FOR HOMELAND SECURITY

''Sec. 2001. Risk-Based funding for homeland security.

''Sec. 2002. Covered grant eligibility and criteria.
''Sec. 2003. Essential capabilities for homeland security.
''Sec. 2004. Task Force on Essential Capabilities.
''Sec. 2005. National standards for first responder equipment and training.
''Sec. 2006. Use of funds and accountability requirements.
''Sec. 2007. Minimum performance requirements.
''Sec. 2008. Auditing.
''Sec. 2009. Definitions.''.

On page 116, line 8, strike ''0.75 percent'' and insert ''0.25 percent''.

On page 116, line 13, strike ''0.25 percent'' and insert ''0.08 percent''.

On page 347, strike lines 19 through 22, and insert the following:

''(1) result in distributions to public safety entities among the several States that ensure that for each fiscal year—

''(A) no State receives less than an amount equal to 0.25 percent of the total funds appropriated for such grants; and

''(B) American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive no less than 0.08 percent of the amounts appropriated for such grants; and

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SA 336. Mr. SCHUMER (for himself, and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes, as follows:

On page 64, between lines 2 and 3, insert the following:

''(e) PROHIBITION OF PEER REVIEW PROCESS.—The peer review process may not be used in determining the allocation of funds among metropolitan areas applying for grants under this section.

SA 337. Mr. SCHUMER (for himself, and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes, as follows:

On page 59, between lines 9 and 10, insert the following:

''(f) USE OF GRANT FUNDS FOR PERSONNEL COSTS.—The Secretary may not provide for any limitation on the percentage or amount of any grant awarded under the Homeland Security Grant Program which may be used for personnel costs, including overtime or backfill costs.

On page 86, strike lines 6 through 20.

SA 338. Mr. OBAMA (for himself, Mr. WARNER, Mr. COBURN, Ms. LANDRIEU, Mr. KENNEDY, Mr. MENENDEZ, Mrs. CLINTON, and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes, which was ordered to lie on the table; as follows:

On page 69, strike line 15 and all that follows through page 70, line 2, and insert the following:

''(d) MINIMUM ALLOCATION.—

''(1) IN GENERAL.—In allocating funds under subsection (c), the Administrator shall ensure that, for each fiscal year—

''(A) except as provided in subparagraph (B), each State (other than the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands) receives an amount equal to not less than 0.25 percent of the total funds appropriated for the State Homeland Security Grant Program;

''(B) each State (other than the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands) that meets any of the additional high-risk qualifying criteria described in paragraph (2) receives an amount equal to not less than 0.45 percent of the total funds appropriated for the State Homeland Security Grant Program;

''(C) the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands each receives an amount equal to not less than 0.08 percent of the total funds appropriated for the State Homeland Security Grant Program; and

''(D) directly eligible tribes collectively receive an amount equal to not less than 0.08 percent of the total funds appropriated for the State Homeland Security Grant Program, except that this subparagraph shall not apply if the Administrator receives less than 5 applications for that fiscal year from directly eligible tribes or does not approve at least 1 such application for that fiscal year.

''(2) ADDITIONAL HIGH-RISK QUALIFYING CRITERIA.—The additional high-risk qualifying criteria described in this paragraph are—

''(A) having an international land border; or

''(B) adjoining a body of water within North America through which an international boundary line extends.

SA 339. Mr. WYDEN (for himself, Mr. LIEBERMAN, Ms. COLLINS, and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. 15___. SPECIAL NEEDS REGISTRY PILOT PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term ''eligible entity'' means a nonprofit entity that—

(A) possesses expertise in creating a coordinated response among individuals and organizations involved with individuals with special needs;

(B) has a documented successful history of technology implementation and program development in the service of linking public and private organizations in information-sharing initiatives, particularly with and among social agencies;

(C) has expertise in—

(i) managing technology implementations (including 9–1–1 data); and

(ii) using highly secure, auditable, Internet-based information dissemination methods;

(D) has alerting capabilities; and

(E) is capable of creating and managing directories of special needs people;

(2) the terms ''emergency'' and ''major disaster'' have the meanings given those terms in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122);

(3) the terms ''emergency response provider'' and ''local government'' have the meanings given those terms in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101);

(4) the term ''pilot program'' means the Special Needs Registry Pilot Program established under subsection (b); and

(5) the term ''special needs registry'' means a voluntary and updatable registry of individuals with special needs that is readily accessible to emergency response providers.

(b) ESTABLISHMENT.—The Secretary shall establish a Special Needs Registry Pilot Program, to establish voluntary and updatable registries of individuals with special needs, readily accessible to emergency response providers to facilitate the evacuation of such individuals in the event of an emergency or major disaster.

(c) SELECTION.—The Secretary shall select an eligible entity to establish or operate a special needs registry in not fewer than 3 locations under the pilot program, including not fewer than—

(1) 1 location in an urban area that has a special needs registry and a system for integrating that registry with emergency response centers;

(2) 1 location in a rural area that has a special needs registry and does not have a system for integrating that registry with emergency response centers; and

(3) 1 location that does not have a special needs registry.

(d) REQUIREMENTS.—A special needs registry established or operated under the pilot program shall—

(1) be voluntary;

(2) have an easily accessible means of registration;

(3) include information regarding individuals with special needs sufficient to allow emergency response providers to find such individuals quickly;

(4) be updated regularly; and

(5) be—

(A) maintained in a secure, private, and encrypted environment; and

(B) distributed to appropriate local, county, State, and Federal emergency operations centers.

(e) REPORTS.—Not later than 10 months after the date that the Secretary selects an eligible entity under subsection (c), the Secretary shall submit to Congress a report—

(1) describing the use of funds under the pilot program; and

(2) recommending whether the pilot program should be extended or modified.

(f) TERMINATION.—The pilot program shall terminate 1 year after the date that the Secretary selects an eligible entity under subsection (c).

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 to carry out this section.

SA 340. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the

bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, strike the item relating to section 1336 and insert the following:

Sec. 1336. Unified carrier registration system plan agreement.

Sec. 1337. Authorization of appropriations.

On page 298, strike line 8 and insert the following:

SEC. 1336. UNIFIED CARRIER REGISTRATION SYSTEM PLAN AGREEMENT.

(a) IN GENERAL.—Notwithstanding section 4305(a) of the SAFETEA–LU Act (Public Law 109–59)—

(1) section 14504 of title 49, United States Code, as that section was in effect on December 31, 2006, is re-enacted, effective as of January 1, 2007; and

(2) no fee shall be collected pursuant to section 14504a of title 49, United States Code, until 30 days after the date, as determined by the Secretary of Transportation, on which—

(A) the unified carrier registration system plan and agreement required by that section has been fully implemented; and

(B) the fees have been set by the Secretary under subsection (d)(7)(B) of that section.

(b) REPEAL OF SECTION 14504.—Section 14504 of title 49, United States Code, as re-enacted by this Act, is repealed effective on the date on which fees may be collected under section 14504a of title 49, United States Code, pursuant to subsection (a)(2) of this section.

SEC. 1337. AUTHORIZATION OF APPROPRIATIONS.

SA 341. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 124, line 16, strike ''and'' after the semicolon.

On page 124, line 18, strike the period and insert ''; and''.

On page 124, between lines 18 and 19, insert the following:

(9) identify solutions to facilitate communications between emergency response providers in communities of differing population densities.

SA 342. Ms. COLLINS (for herself, Mr. STEVENS, Mr. VOINOVICH, Mr. WARNER, Mr. SUNUNU, and Mr. GRASSLEY) proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

Strike section 803 (relating to Transportation Security Administration personnel management) and insert the following:

SEC. 803. EMPLOYEE RIGHTS AND ENGAGEMENT MECHANISM FOR PASSENGER AND PROPERTY SCREENERS.

(a) APPEAL RIGHTS; ENGAGEMENT MECHANISM FOR WORKPLACE ISSUES; PAY FOR PERFORMANCE; UNION MEMBERSHIP.—

(1) IN GENERAL.—Section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note) is amended—

(A) by striking ''Notwithstanding'' and inserting the following:

''(1) IN GENERAL.—Except as provided in section 883 of the Homeland Security Act of 2002 (6 U.S.C. 463) and paragraphs (2) through (5), notwithstanding''; and

(B) by adding at the end the following:

''(2) RIGHT TO APPEAL ADVERSE ACTION.—An individual employed or appointed to carry out the screening functions of the Administrator under section 44901 of title 49, United States Code, may submit an appeal of an adverse action covered by section 7512 of title 5, United States Code, and finalized after the date of the enactment of Improving America's Security Act of 2007, to the Merit Systems Protection Board and may seek judicial review of any resulting orders or decisions of the Merit Systems Protection Board.

''(3) EMPLOYEE ENGAGEMENT MECHANISM FOR ADDRESSING WORKPLACE ISSUES.—At every airport at which the Transportation Security Administration screens passengers and property under section 44901 of title 49, United States Code, the Administrator shall provide a collaborative, integrated employee engagement mechanism to address workplace issues.

''(4) PAY FOR PERFORMANCE.—The Administrator shall establish a system to ensure that an individual described in paragraph (2) is compensated at a level that reflects the performance of such individual rather than the seniority of such individual.

''(5) CONSTRUCTION.—Nothing in this section shall be construed to prohibit an individual described in paragraph (2) from joining a labor organization.''.

(2) CONFORMING AMENDMENTS.—Section 111(d)(1) of such Act, as redesignated by paragraph (1)(A), is amended—

(A) by striking ''Under Secretary of Transportation for Security'' and inserting ''Administrator of the Transportation Security Administration''; and

(B) by striking ''Under Secretary'' each place it appears and inserting ''Administrator''.

(b) WHISTLEBLOWER PROTECTIONS.—Section 883 of the Homeland Security Act of 2002 (6 U.S.C. 463) is amended, in the matter preceding paragraph (1), by inserting '', or section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note),'' after ''this Act''.

(c) REPORTS.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Transportation Security Administration and the Comptroller General of the United States shall each submit an independent report to Congress that contains an assessment of employment matters at the Transportation Security Administration, including the implementation of this section.

SA 343. Ms. CANTWELL (for herself, Mr. DODD, and Mr. FEINGOLD) submitted an amendment intended to be proposed by her to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. COMPREHENSIVE STRATEGY TO REDUCE GLOBAL POVERTY AND ELIMINATE EXTREME GLOBAL POVERTY.

(a) FINDINGS.—Congress makes the following findings:

(1) The 9/11 Commission found that a ''comprehensive U.S. strategy to counter terrorism should include economic policies that encourage development, more open societies, and opportunities for people to improve the lives of their families and to enhance prospects for their children's future''.

(2) Global poverty creates conditions that give rise to terrorism.

(b) DECLARATION OF POLICY.—It is the policy of the United States to promote the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the United Nations Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day.

(c) COMPREHENSIVE STRATEGY.—

(1) STRATEGY REQUIRED.—The President, acting through the Secretary of State and in consultation with the heads of other appropriate departments and agencies of the Government of the United States, international organizations, international financial institutions, the governments of developing and developed countries, United States and international nongovernmental organizations, civil society organizations, and other appropriate entities, shall develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the United Nations Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day.

(2) CONTENT.—The strategy required under paragraph (1) shall include specific and measurable goals, efforts to be undertaken, benchmarks, and timetables to achieve the objectives described in such paragraph.

(3) GUIDELINES.—The strategy required under paragraph (1) should adhere to the following guidelines:

(A) Continued investment in existing United States initiatives related to international poverty reduction, such as the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7601 et seq.), the Millennium Challenge Act of 2003 (22 U.S.C. 7701 et seq.), the Heavily Indebted Poor Countries Initiative, and trade preference programs for developing countries.

(B) Increasing overall United States development assistance levels while at the same time improving the effectiveness of such assistance.

(C) Enhancing and expanding debt relief.

(D) Leveraging United States trade policy where possible to enhance economic development prospects for developing countries.

(E) Coordinating efforts and working in cooperation with developed and developing countries, international organizations, and international financial institutions.

(F) Mobilizing and leveraging the participation of businesses, United States and international nongovernmental organizations, civil society, and public-private partnerships.

(G) Coordinating the goal of poverty reduction with other development goals, such as combating the spread of preventable diseases such as HIV/AIDS, tuberculosis, and malaria, increasing access to potable water and basic sanitation, and reducing hunger and malnutrition.

(H) Integrating principles of sustainable development into policies and programs.

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than one year after the date of the enactment of this Act, the President, acting through the Secretary of State, shall transmit to the appropriate congressional committees a report that describes the strategy required under subsection (c).

(2) SUBSEQUENT REPORTS.—Not less than once every year after the submission of the initial report under paragraph (1) until and including 2015, the President shall transmit to the appropriate congressional committees a report on the status of the implementation of the strategy, progress made in achieving the global poverty reduction objectives described in subsection (c)(1), and any changes to the strategy since the date of the submission of the last report.

(e) DEFINITIONS.—In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations, the Committee on Finance, and the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Ways and Means, and the Committee on Appropriations of the House of Representatives.

(2) EXTREME GLOBAL POVERTY.—The term ''extreme global poverty'' refers to the conditions in which individuals live on less than $1 per day, adjusted for purchasing power parity in 1993 United States dollars, according to World Bank statistics.

(3) GLOBAL POVERTY.—The term ''global poverty'' refers to the conditions in which individuals live on less than $2 per day, adjusted for purchasing power parity in 1993 United States dollars, according to World Bank statistics.

SA 344. Mr. LAUTENBERG (for himself, Mr. BROWNBACK, Mr. MENENDEZ, Mr. REID, and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROVISION OF IMMIGRATION BENEFITS FOR VICTIMS OF TERRORISM.

(a) SHORT TITLE.—This section may be cited as the ''September 11 Family Humanitarian Relief and Patriotism Act''.

(b) DEFINITIONS.—

(1) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this section, the definitions in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), other than the definitions applicable exclusively to title III of such Act, shall apply for purposes of this section.

(2) SPECIFIED TERRORIST ACTIVITY.—For purposes of this section, the term ''specified terrorist activity'' means any terrorist activity conducted against the Government or the people of the United States on September 11, 2001.

(c) ADJUSTMENT OF STATUS FOR CERTAIN NONIMMIGRANT VICTIMS OF TERRORISM.—

(1) ADJUSTMENT OF STATUS.—

(A) IN GENERAL.—The status of any alien described in paragraph (2) shall be adjusted by the Secretary to that of an alien lawfully admitted for permanent residence, if the alien—

(i) applies for such adjustment not later than 2 years after the date on which the Secretary promulgates final regulations to implement this subsection; and

(ii) is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(B) RULES IN APPLYING CERTAIN PROVISIONS.—

(i) IN GENERAL.—In the case of an alien described in paragraph (2) who is applying for adjustment of status under this subsection—

(I) the provisions of section 241(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(5)) shall not apply; and

(II) the Secretary may grant the alien a waiver on the grounds of inadmissibility under subparagraphs (A) and (C) of section 212(a)(9) of such Act (8 U.S.C. 1182(a)(9)).

(ii) STANDARDS.—In granting waivers under clause (i)(II), the Secretary shall use standards used in granting consent under subparagraphs (A)(iii) and (C)(ii) of such section 212(a)(9).

(C) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—

(i) APPLICATION PERMITTED.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) may, notwithstanding such order, apply for adjustment of status under subparagraph (A).

(ii) MOTION NOT REQUIRED.—An alien described in clause (i) may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order.

(iii) EFFECT OF DECISION.—If the Secretary grants a request under clause (i), the Secretary shall cancel the order. If the Secretary renders a final administrative decision to deny the request, the order shall be effective and enforceable to the same extent as if the application had not been made.

(2) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—The benefits provided under paragraph (1) shall apply to any alien who—

(A) was lawfully present in the United States as a nonimmigrant alien described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) on September 10, 2001;

(B) was, on such date, the spouse, child, dependent son, or dependent daughter of an alien who—

(i) was lawfully present in the United States as a nonimmigrant alien described in such section 101(a)(15) on such date; and

(ii) died as a direct result of a specified terrorist activity; and

(C) was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note).

(3) STAY OF REMOVAL; WORK AUTHORIZATION.—

(A) IN GENERAL.—The Secretary shall establish, by regulation, a process by which an alien subject to a final order of removal may seek a stay of such order based on the filing of an application under paragraph (1).

(B) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary shall not order any alien to be removed from the United States, if the alien is in removal proceedings under any provision of such Act and has applied for adjustment of status under paragraph (1), unless the Secretary has rendered a final administrative determination to deny the application.

(C) WORK AUTHORIZATION.—The Secretary shall authorize an alien who has applied for adjustment of status under paragraph (1) to engage in employment in the United States during the pendency of such application.

(4) AVAILABILITY OF ADMINISTRATIVE REVIEW.—The Secretary shall provide to applicants for adjustment of status under paragraph (1) the same right to, and procedures for, administrative review as are provided to—

(A) applicants for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255); or

(B) aliens subject to removal proceedings under section 240 of such Act (8 U.S.C. 1229a).

(d) CANCELLATION OF REMOVAL FOR CERTAIN IMMIGRANT VICTIMS OF TERRORISM.—

(1) IN GENERAL.—Subject to the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), other than subsections (b)(1), (d)(1), and (e) of section 240A of such Act (8 U.S.C. 1229b), the Secretary shall, under such section 240A, cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien described in paragraph (2), if the alien applies for such relief.

(2) ALIENS ELIGIBLE FOR CANCELLATION OF REMOVAL.—The benefits provided under paragraph (1) shall apply to any alien who—

(A) was, on September 10, 2001, the spouse, child, dependent son, or dependent daughter of an alien who died as a direct result of a specified terrorist activity; and

(B) was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note).

(3) STAY OF REMOVAL; WORK AUTHORIZATION.—

(A) IN GENERAL.—The Secretary shall promulgate regulations to provide for an alien subject to a final order of removal to seek a stay of such order based on the filing of an application under paragraph (1).

(4) WORK AUTHORIZATION.—The Secretary shall authorize an alien who has applied for cancellation of removal under paragraph (1) to engage in employment in the United States during the pendency of such application.

(5) MOTIONS TO REOPEN REMOVAL PROCEEDINGS.—

(A) IN GENERAL.—Notwithstanding any limitation imposed by law on motions to reopen removal proceedings (except limitations premised on an alien's conviction of an aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43))), any alien who has become eligible for cancellation of removal as a result of the enactment of this section may file 1 motion to reopen removal proceedings to apply for such relief.

(B) FILING PERIOD.—The Secretary shall designate a specific time period in which all such motions to reopen are required to be filed. The period shall begin not later than 60 days after the date of enactment of this Act and shall extend for a period not to exceed 240 days.

(e) EXCEPTIONS.—Notwithstanding any other provision of this Act, an alien may not be provided relief under this section if the alien is—

(1) inadmissible under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), or deportable under paragraph (2) or (4) of section 237(a) of such Act (8 U.S.C. 1227(a)), including any individual culpable for a specified terrorist activity; or

(2) a family member of an alien described in paragraph (1).

(f) EVIDENCE OF DEATH.—For purposes of this section, the Secretary shall use the standards established under section 426 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (115 Stat. 362) in determining whether death occurred as a direct result of a specified terrorist activity.

SA 345. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TRANSFER OF FUNDS FROM DTV TRANSITION AND PUBLIC SAFETY FUND.

(a) IN GENERAL.—Section 3006 of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 24) is repealed.

(b) AUTHORITY OF SECRETARY TO MAKE PAYMENTS FROM FUND.—The Secretary may make payments of not to exceed $1,000,000,000, in the aggregate, through fiscal year 2009 from the Digital Television Transition and Public Safety Fund established under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)) to carry out the emergency communications operability and interoperable communications grant program established in section 1809 of the Homeland Security Act of 2002, as added by section 301(a)(1).

(c) LIMITATIONS.—Grants awarded under section 1809 of the Homeland Security Act of 2002, and funded by sums made available under this section may not exceed—

(1) $300,000,000 in fiscal year 2007;

(2) $350,000,000 in fiscal year 2008; and

(3) $350,000,000 in fiscal year 2009.

SEC. ___. REPORT TO CONGRESS.

(a) IN GENERAL.—The Secretary, in cooperation with the Chairman of the Federal Communications Commission, shall study the possibility of allowing commercial entities to develop national public safety communications networks that involve commercially based solutions.

(b) CONTENT OF STUDY.—The study required under subsection (a) shall examine the following:

(1) Methods by which the commercial sector can participate in the development of a national public safety communications network.

(2) The feasibility of developing interoperable shared-spectrum networks to be used by both public safety officials and private customers.

(3) The feasibility of licensing public safety spectrum directly to the commercial sector for the creation of an interoperable public safety communications network.

(4) The amount of spectrum required for an interoperable public safety communications network.

(5) The feasibility of having 2 or more competing but interoperable commercial public safety communications networks.

(c) SUBMISSION TO CONGRESS.—Not later than 12 months after the date of enactment of this Act, the Secretary shall report to Congress—

(1) the findings of the study required under subsection (a); and

(2) any recommendations for legislative, administrative, or regulatory change that would assist the Federal Government to implement a national public safety communications network that involves commercially based solutions.

SEC. ___. REPEAL.

Section 4 of the Call Home Act of 2006 (Public Law 109–459; 120 Stat. 3400) is repealed.

SEC. ___. RULE OF APPLICATION.

Notwithstanding any other provision of this Act, section 1381 of this Act shall have no force or effect.

SA 346. Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

On page 260, line 2, after ''section'' insert ''such sums as may be necessary for fiscal year 2007 and''.

On page 262, between lines 18 and 19, insert the following:

(A) such sums as may be necessary for fiscal year 2007;

On page 262, line 19, strike ''(A)'' and insert ''(B)''.

On page 262, line 20, strike ''(B)'' and insert ''(C)''.

On page 262, line 21, strike ''(C)'' and insert ''(D)''.

On page 263, between lines 17 and 18, insert the following:

(A) such sums as may be necessary for fiscal year 2007;

On page 263, line 18, strike ''(A)'' and insert ''(B)''.

On page 263, line 19, strike ''(B)'' and insert ''(C)''.

On page 263, line 20, strike ''(C)'' and insert ''(D)''.

On page 263, line 21, strike ''(D)'' and insert ''(E)''.

On page 263, between lines 25 and 26, insert the following:

(A) such sums as may be necessary for fiscal year 2007;

On page 263, line 26, strike ''(A)'' and insert ''(B)''.

On page 264, line 1, strike ''(B)'' and insert ''(C)''.

On page 264, line 2, strike ''(C)'' and insert ''(D)''.

On page 264, line 3, strike ''(D)'' and insert ''(E)''.

On page 264, between lines 6 and 7, insert the following:

(A) such sums as may be necessary for fiscal year 2007;

On page 264, line 7, strike ''(A)'' and insert ''(B)''.

On page 264, line 8, strike ''(B)'' and insert ''(C)''.

On page 264, line 9, strike ''(C)'' and insert ''(D)''.

On page 264, line 10, strike ''(D)'' and insert ''(E)''.

On page 270, between lines 15 and 16, insert the following:

(A) such sums as may be necessary for fiscal year 2007;

On page 270, line 16, strike ''(A)'' and insert ''(B)''.

On page 270, line 17, strike ''(B)'' and insert ''(C)''.

On page 270, line 18, strike ''(C)'' and insert ''(D)''.

On page 273, between lines 17 and 18, insert the following:

(A) such sums as may be necessary for fiscal year 2007;

On page 273, line 18, strike ''(A)'' and insert ''(B)''.

On page 273, line 19, strike ''(B)'' and insert ''(C)''.

On page 273, line 20, strike ''(C)'' and insert ''(D)''.

On page 278, line 18, strike the closing quotation marks and the second period.

On page 278, between lines 18 and 19, insert the following:

''(g) PASSENGER DEFINED.—In this section, the term 'passenger' includes revenue and nonrevenue passengers and Amtrak employees.''.

On page 295, strike lines 4 through 7 and insert the following:

(c) RAIL SAFETY REGULATIONS.—Section 20103(a) of title 49, United States Code, is amended to read as follows:

''(a) REGULATIONS AND ORDERS.—The Secretary of Transportation, as necessary, shall prescribe regulations and issue orders for every area of railroad safety supplementing laws and regulations in effect on October 16, 1970. Any regulation prescribed or order issued by the Secretary of Transportation involving railroad safety shall not be subject to challenge, under section 20114(c) of this chapter or under any other provision of law by which such a regulation or order may be subject to judicial review, on the ground that it impacts security.''.

On page 298, line 6, after ''section'' insert ''such sums as may be necessary for fiscal year 2007 and''.

On page 298, between lines 15 and 16, insert the following:

''(1) such sums as may be necessary for fiscal year 2007;

On page 298, line 16, strike ''(1)'' and insert ''(2)''.

On page 298, line 17, strike ''(2)'' and insert ''(3)''.

On page 298, line 18, strike ''(3)'' and insert ''(4)''.

On page 298, between lines 23 and 24, insert the following:

(1) such sums as may be necessary for fiscal year 2007;

On page 298, line 24, strike ''(1)'' and insert ''(2)''.

On page 298, line 25, strike ''(2)'' and insert ''(3)''.

On page 299, line 9, strike ''(3)'' and insert ''(4)''.

On page 299, line 10, strike ''(4)'' and insert ''(5)''.

On page 305, line 17, after ''section'' insert ''such sums as may be necessary for fiscal year 2007 and''.

On page 307, after line 25, insert the following:

''(1) such sums as may be necessary for fiscal year 2007;

On page 308, line 1, strike ''(1)'' and insert ''(2)''.

On page 308, line 2, strike ''(2)'' and insert ''(3)''.

On page 308, line 3, strike ''(3)'' and insert ''(4)''.

On page 311, between lines 24 and 25, insert the following:

''(1) such sums as may be necessary for fiscal year 2007;

On page 311, line 25, strike ''(1)'' and insert ''(2)''.

On page 312, line 1, strike ''(2)'' and insert ''(3)''.

On page 312, line 2, strike ''(3)'' and insert ''(4)''.

On page 321, between lines 10 and 11, insert the following:

''(1) such sums as may be necessary for fiscal year 2007;

On page 321, line 11, strike ''(1)'' and insert ''(2)''.

On page 321, line 12, strike ''(2)'' and insert ''(3)''.

SA 347. Mr. SESSIONS proposed an amendment to amendment SA 275 proposed by Mr. REID (for himself, Mr. LIEBERMAN, and Ms. COLLINS) to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF CONGRESS ON THE FUNDING OF FENCING AND VEHICLES BARRIERS ALONG THE SOUTHWEST BORDER OF THE UNITED STATES.

(a) FINDINGS.—Congress makes the following findings:

(1) On May 17, 2006, by a vote of 83 to 16, the Senate approved amendment 3979 sponsored by Senator Sessions to Senate Bill 2611 (109th Congress), the Comprehensive Immigration Reform Act of 2006, which required the Secretary of Homeland Security to construct at least 370 miles of fencing and 500 miles of vehicle barriers along the southwest border of the United States.

(2) On August 2, 1006, by a vote of 94 to 3, the Senate approved amendment 4775 sponsored by Senator Sessions to House Bill 5631 (109th Congress), the Department of Defense Appropriations Act, 2007, which included a provision to appropriate $1,829,000,000 for the construction of 370 miles of fencing and 461 miles of vehicle barriers along the southwest border of the United States.

(3) On September 20, 2006, by a vote of 80 to 19, the Senate approved House Bill 6061 (109th Congress), the Secure Fence Act of 2006, which mandates the construction of fencing and border improvements along the southwest border.

(4) On October 26, 2066, the President signed the Secure Fence Act of 2006 (Public Law 109–367; 120 Stat. 2638), which mandates that ''[n]ot later than 18 months after the date of the enactment of this Act, the Secretary of Homeland Security shall take all actions the Secretary determines necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States,'' including ''physical infrastructure enhancements to prevent unlawful entry by aliens into the United States'' into law.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress should—

(1) appropriate funds in the Department of Homeland Security Appropriations Act for fiscal year 2008 to fund, at a minimum, the strong commitment to border security represented in the President's budget request for fiscal year 2008, which is consistent with the congressional intent expressed in amendment 3979 sponsored by Senator Sessions to Senate Bill 2611 (109th Congress), amendment 4775 sponsored by Senator Sessions to House Bill 5631 (109th Congress), and the Secure Fence Act of 2006; and

(2) appropriate funds in Department of Homeland Security Appropriations Acts for fiscal years after fiscal year 2008 in a manner consistent with the congressional intent expressed in such amendment 3879, such amendment 4775, and the Secure Fence Act of 2006.

SA 348. Mr. WYDEN (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. AVAILABILITY OF THE EXECUTIVE SUMMARY OF THE REPORT ON CENTRAL INTELLIGENCE AGENCY ACCOUNTABILITY REGARDING THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001.

(a) PUBLIC AVAILABILITY.—Not later than 30 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall prepare and make available to the public a version of the Executive Summary of the report entitled the ''Office of Inspector General Report on Central Intelligence Agency Accountability Regarding Findings and Conclusions of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001'' issued in June 2005 that is declassified to the maximum extent possible, consistent with national security.

(b) REPORT TO CONGRESS.—The Director of the Central Intelligence Agency shall submit to Congress a classified annex to the redacted Executive Summary made available under subsection (a) that explains the reason that any redacted material in the Executive Summary was withheld from the public.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet on Monday, March 5, 2007 at 2:30 p.m. for a hearing entitled, A Review of the Transportation Security Administration Personnel System.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE EMPLOYEES OF THE DEPARTMENT OF HOMELAND SECURITY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to consideration of S. Res. 94, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 94) honoring the employees of the Department of Homeland Security on the 4th anniversary of the Department.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 94) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 94

Whereas the United States must remain vigilant against all threats to the homeland, including acts of terrorism, natural disasters, and other emergencies;

Whereas the Department of Homeland Security marks its 4th anniversary on March 1, 2007;

Whereas the more than 208,000 employees of the Department work tirelessly to carry out the complex mission of securing the Nation from terrorism and natural hazards through protection, prevention, response, and recovery as well as serving the public effectively by facilitating lawful trade, travel, and immigration;

Whereas the Department's employees sacrifice time with their families to work long hours to fulfill the Department's vital mission; and

Whereas the Nation is indebted to the Department's employees for their labors: Now, therefore, be it

Resolved, That the Senate honors the employees of the Department of Homeland Security for their substantial contributions to protecting the Nation on the 4th anniversary of the Department.

MEASURE READ THE FIRST TIME—S. 761

Mr. REID. Mr. President, S. 761, introduced earlier today by Senators REID of Nevada, MCCONNELL, and others, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 761) to invest in innovation and education to improve the competitiveness of the United States in the global economy.

Mr. REID. Mr. President, I will briefly comment on this action. It was a good occasion today. A press conference was held, led by myself and Senator MCCONNELL, with a good bipartisan group of excellent Senators, regarding legislation that would improve America's competitiveness. It is important legislation. It has been worked on by a number of bipartisan Senators, including Senator BINGAMAN. The person who worked on it, from my perspective, more than anybody else is the distinguished Senator from Tennessee, Mr. ALEXANDER, as did Senator ENSIGN and Senator LIEBERMAN. It is totally bipartisan.

I hope we can, on a bipartisan basis, move it out of here in the near future.

Mr. MCCONNELL. Mr. President, if I might add something, this is a classic example of the Senate at its best. It is a significant bipartisan measure put together, as the majority leader indicated, with leadership on his side of the aisle and on our side by Senators Alexander, Domenici, and Stevens. This is a significant piece of legislation that we

hope to be able to move in the very near future.

Mr. REID. Mr. President, I object to the bill's second reading.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

ORDERS FOR TUESDAY, MARCH 6, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, March 6; that on Tuesday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes under the control of the majority and the next 30 minutes under the control of the Republican leader or his designee; that following morning business, the Senate resume consideration of S. 4; that at 12 noon the Senate resume consideration of amendment No. 314, and the majority leader be recognized; that on Tuesday, the Senate recess from 12:30 to 2:15 p.m. for the weekly conference work sessions.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO ADJOURN

Mr. REID. Mr. President, if there is no further business to come before the Senate today, and if the Republican leader has no further business, I ask unanimous consent that the Senate stand adjourned under the previous order following a very brief statement I am going to make.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSIDERATION OF S. 4

Mr. REID. Mr. President, the Senate is in the second week of consideration of the 9/11 bill. S. 4 was reported out during the recess and was available to all Members on Monday, February 26.

We had to invoke cloture on the motion to proceed last Tuesday. Once cloture was invoked, there was a further delay in proceeding to the bill, and we were not allowed to begin consideration of the bill until Wednesday, February 28.

On Thursday of last week, Senator DEMINT offered his amendment to strike the TSA provision of the bill. We have been trying to get an agreement to vote on his amendment basically since that evening and on other amendments on the same subject matter as his amendment by Senators MCCASKILL and LIEBERMAN.

Today, Senator COLLINS offered her TSA amendment. We are willing to add her amendment to the agreement. That was objected to.

As I indicated and the distinguished Republican leader indicated, tomorrow I will move to table the DeMint amendment.

I mention this because this is a good, very important piece of legislation. It has all the markings of being able to do something on a bipartisan basis, once we get over these few little humps. There are now 31 amendments pending to the bill. Most of the amendments do not deal with 9/11 recommendations. They are important funding issues that must be resolved and other 9/11 issues I would like to resolve before there is a cloture vote on this bill. We have all day tomorrow and we have Wednesday to finish this bill.

Accordingly, I am going to wait as long as I can to file cloture. We need to resolve this bill this week. Immigration amendments are going to have to wait until we deal with that bill later this year. It is not going to be too late because we are going to have to do immigration. I know the immigration people feel strongly about this issue. A number of the people who have been heavily involved in this immigration debate previously have offered immigration amendments on this bill. I think it is better we do the immigration legislation all at once and not piecemeal. I know how strongly the people feel who have offered these amendments, but this is not the vehicle to offer those amendments. If cloture is invoked, most of these amendments will fall. In fact, I think all of them will.

I have indicated to the distinguished Republican leader that we are willing to make sure we can dispose of the amendments that appear to be germane prior to the cloture vote. We want to move this legislation as quickly as possible and as fairly as possible. So I hope the people who have amendments to offer will do it on this legislation. I hope they keep in mind that this is the 9/11 Commission recommendations and not an immigration bill.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, let me add briefly before we adjourn that I have asked my Members to come over, call up their amendments, and let's see how many we can get processed in the next couple of days. We are anxious to have amendments up and have amendments voted on and will be cooperating toward that end.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m., March 6.

Thereupon, the Senate, at 7:22 p.m., adjourned until Tuesday, March 6, 2007, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate March 5, 2007:

CONSUMER PRODUCT SAFETY COMMISSION

MICHAEL E. BAROODY, OF VIRGINIA, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 2006, VICE HAROLD D. STRATTON, RESIGNED.

MICHAEL E. BAROODY, OF VIRGINIA, TO BE CHAIRMAN OF THE CONSUMER PRODUCT SAFETY COMMISSION, VICE HAROLD D. STRATTON, RESIGNED.

DEPARTMENT OF THE TREASURY

DAVID GEORGE NASON, OF RHODE ISLAND, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE EMIL W. HENRY, JR.

DEPARTMENT OF STATE

PATRICK DENNIS DUDDY, OF MAINE, 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 BOLIVARIAN REPUBLIC OF VENEZUELA.

CONFIRMATION

Executive nomination confirmed by the Senate Monday, March 5, 2007:

DEPARTMENT OF THE INTERIOR

CARL JOSEPH ARTMAN, OF COLORADO, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

CONGRATULATING MICHAEL ADY ON BEING NAMED THE 2007 SMALL BUSINESS ADMINISTRATION VETERANS SMALL BUSINESS CHAMPION FOR GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Ms. BORDALLO. Madam Speaker, I rise today to recognize and congratulate Mr. Michael Robert Ady, the president of M80 Office Systems, for being named as the 2007 U.S. Small Business Administration Veteran Small Business Champion for Guam.

Born in Joplin, MO, and educated at Midwestern College in Denison, IA, Mr. Ady studied business administration while serving in the U.S. Army. After his discharge in 1971, he went to work for Phillips and Ober in California and came to Guam in 1970 as the firm's general manager. Between 1984 and 1995, Mr. Ady served as general manager for several Guam companies, including Connell Brothers Guam, Oceana Trading, and Office Concepts. In 1995, he struck out on his own, establishing M80 Office Systems as a one-man operation in a home office with a single client. M80 Office Systems, today is a strong small business with 10 employees that specializes in office design and furniture supply. M80 ably serves both the public and private sectors.

Mr. Ady is a role model for other veteran entrepreneurs, and he takes that role seriously. He is an energetic supporter of veteran events and an always-willing volunteer participant in seminars, conferences and community events aimed at providing veterans with access to support, information, and educational programs to assist them with their lives and careers.

Mr. Ady is an active member of the Guam Chamber of Commerce and readily shares his knowledge and experience as a member of the Chamber's Small Business Development Committee. He was named co-chairman of the Small Business Development Committee in 2005. Mr. Ady was instrumental in aligning the committee's activities toward training and outreach programs to encourage more small business participation in chamber activities. As a result of the opportunities for participant feedback, participation in training programs increased 100 percent and membership in the Small Business Development Committee increased by 14 percent.

His other small business advocacy activities include serving as a business plan mentor at the 2003 Shell Guam Livewire Business Planning Competition for Youth, contributing as an exhibitor at the 2005 Small Business Matchmaking Fair, and presenting a veteran-owned business case study at the 2006 Guam SBDC Veterans Small Business Conference.

Mr. Ady is the recipient of numerous awards and commendations for his efforts to promote and support small business. He was named Panel Concepts' Dealer of the Year in 1997 and enrolled into Maxon Furniture, Inc.'s President's Club I 2006. In 2004, he was named the U.S. Air Force Reserves' Employer of the Year.

An avid surfer in his earlier years, Mr. Ady spends most of his leisure time with his family, working a farm in Yona. He, his wife Jovita, and their children Toby, Robert, and Robin raise mangoes, papayas, bananas, pineapples, betel nuts and local vegetables. We wish them a good harvest always, and we offer our best wishes as Mr. Ady now joins other Veteran Small Business Champions to be considered for the Small Business Administration's National Small Business Champion award.

TRIBUTE TO MRS. MARCELLA STEFANAC ANDERSON

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Mr. VISCLOSKY. Madam Speaker, it is with great honor and pleasure that I congratulate Mrs. Marcella Stefanac Anderson on a momentous milestone, her 85th birthday, which took place on March 4, 2007. Marcella will be celebrating this milestone with family and friends on Saturday, March 10, 2007. Throughout the years, Marcella's presence in northwest Indiana has allowed her the opportunity to touch the lives of countless people.

Marcella Stefanac was born on March 4, 1912, in Powhatan Point, Ohio. She was an only child, born to Ivan and Albina Stefanac. An accomplished student, Marcella completed her bachelor of science degree at Washington University in Saint Louis, Missouri, and her master of science and doctorate degrees in education from Temple University in Pennsylvania. From there, she decided to go into the teaching profession. As a professor at Valparaiso University in Indiana for 22 years, Marcella was able to enhance the lives of many young people throughout the community. For her dedication to the students of Northwest Indiana, she is worthy of the highest admiration.

Equally as impressive, Marcella has always been seen as the foundation of her family. She and her husband, Jim Anderson, live in Hobart with their cat, Mickey. Jim and Marcella have one son, Bryn, who currently resides in Orange County, California. Marcella's family, as well as those whose lives she has touched, respect her for devoting unselfish love, time, commitment, guidance, and spirit to her family, her students, and her friends.

In addition to being greatly loved and admired by her family, her students, and her community, Marcella is also well known for her affiliations to several organizations, including the Alfred Adler Institute, where she provides private counseling services for those in need. From the ages of 66 to 83, Marcella also taught aerobics to senior citizens at the Pruzin Senior Center in Merrillville, Indiana. Marcella has always been known as a generous woman who is willing to help the people in her community. For her selflessness, she is to be commended.

Madam Speaker, Marcella Stefanac Anderson has always given her time and efforts selflessly to the community of northwest Indiana throughout her illustrious life. She has taught every member of her family and extended family the true meaning of service to others. I respectfully ask that you and my other distinguished colleagues join me in wishing Marcella a very happy 85th birthday.

IN RECOGNITION OF MATT POWLESS

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Mr. ELLSWORTH. Madam Speaker, I rise today to recognize Matt Powless for winning the 171-pound individual Indiana high school State wrestling championship. This title capped an incredible 51–0 season for the Evansville Memorial High School senior.

After finishing sixth in the State tournament last year, Powless returned to capture the first State wrestling title in Memorial history. Along the way he set school records for pins in a season and career. His long list of wrestling accolades includes sectional, regional, semistate, and conference titles.

In addition to his success on the mat, Powless also excels in the classroom. He ranks 13th in his high school class, with an exemplary 5.9 grade point average on a 6.0 scale. He has been named to six Academic All City Teams for wrestling and football. His continued academic success while devoting significant time to athletics is a testament to his intellect and dedication to excellence.

I congratulate Matt Powless for his remarkable wrestling season. He is the definition of a student-athlete and an excellent example for young people in my district. Great job, Matt.

CONGRATULATING LUCY MONTINOLA ALCORN ON BEING NAMED THE 2007 SMALL BUSINESS ADMINISTRATION SMALL BUSINESS PERSON OF THE YEAR FOR GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Ms. BORDALLO. Madam Speaker, I rise today to recognize, congratulate and honor Ms. Lucy Montinola Alcorn on her selection as the U.S. Small Business Administration's 2007 Small Business Person of the Year for Guam. Lucy's dedication and commitment have made

her company, Global Food Services, LLC, a growing and continuing success. Lucy is a fitting recipient of this honor.

Lucy, the fifth child born to Luis J. and Helen C. Montinola, is of Filipino and Chamorro descent. After finishing her education in the Philippines in 1979, she returned to Guam and worked in various sectors of the service industry, including customer support, sales, real estate and insurance. She never hesitated to help her husband, David Alcorn, in the management and operations of local food service providers.

In July 2003, Lucy fulfilled a dream by starting her own business, Global Food Services, LLC. With the support of the Guam office of the Small Business Administration, Global Food Services Group earned its certification as a Minority/Woman owned 8(a) and HUBZone Certified Small Disadvantaged Business. With the increase in military activities on Guam provided Lucy an opportunity to expand the operations of Global Food Services by competing successfully for contracts let by the Department of Defense.

Since its inception, the Global Food Services Group has maintained the distinction of being the first Guam-based, locally owned company to provide both direct and indirect support (quality of life) services to the U.S. Navy Bases on Guam. Presently, Global Food Services' focus has been on the management and operations of the Navy Family and Bachelor Housing Program; Morale, Welfare and Recreation programs; and providing food services, including the Department of Defense Education Activity (DoDEA) School Lunch Program.

Today, as part of her ongoing vision to expand her company, Lucy is leading Global Food Services in the pursuit of additional military and commercial projects on Guam with an ultimate goal of expanding its operations to the mainland U.S. and abroad. With a continued focus on long term sustainability of the company, she is dedicated to employee training and certification and exploration of new opportunities for her organization and individual employees.

Lucy has received the praise and admiration of Guam's entire business community. She is recognized not only for her tireless business drive, but also for her civic activities, which include her membership in the Guam Memorial Hospital Volunteers Association, the American Red Cross and the Parents Advisory Board for Father Duenas Memorial High School. Recognized by her colleagues in the Guam Chamber of Commerce for her business acumen and enthusiasm, Lucy was nominated for the Chamber's prestigious "Executive of the Year for 2004" and was elected to the Chamber's Board of Directors for 2007 to 2009. Though she dedicates much energy and time to the Global Food Services Group and to numerous civic activities, Lucy is ever mindful that she came from a closely knit family. Imbued with these family values, Lucy is devoted to her husband David and always a dedicated mother to her children, Dereck, Cassy and Nick.

Her dedication to the Guam community, her leadership in the business world, her contributions to the quality of life for members of the armed services, and her ability to balance her career with the responsibilities of raising her three children, make her recognition as the Small Business Person of the Year very fitting.

TRIBUE TO STATE SENATOR ANITA BOWSER

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Mr. VISCLOSKY. Madam Speaker, it is with deep sadness and the utmost respect that I take this time to remember a dear friend and one of Indiana's most distinguished citizens, State Senator Anita Bowser of Michigan City. On Sunday, March 4, 2007, Anita, a member of the Indiana General Assembly for the past 27 years, passed away at the age of 86 after a courageous battle with breast cancer. Known for her commitment to preserving the rights of all citizens, Anita will surely be missed by her family, friends, and the people she so loyally served.

Though well-known for her career as a public servant, Anita's life of service to her fellow citizens goes far beyond her impressive career as an elected official. A revered scholar, Anita received her bachelor's degree from Kent State University and a law degree from the McKinley School of Law, as well as a master's degree from Purdue University and a master's degree and doctorate degree from the University of Notre Dame. It should come as no surprise, then, that Anita chose to use her vast knowledge to give back to her community by becoming an educator. Anita, who taught political science classes at Purdue University North Central for many years, touched and enriched the lives of her students, many of whom went on to very successful careers in an array of fields. As an instructor, she taught her students with the same passion, commitment, and energy that she demonstrated as a member of the Indiana General Assembly. Her passion for teaching and for challenging her students will forever be remembered, and her unwavering commitment to the betterment of society will forever live in the hearts and minds of those she mentored.

First elected to the Indiana General Assembly as a member of the Indiana House of Representatives in 1980, it was apparent upon her arrival that a true champion of civil rights had come to Indianapolis. Following a remarkable career as a State Representative, Anita was elected to the State Senate in 1992. As a member of both the House and Senate, Anita served on many committees, and prior to her passing, she was the ranking member on the Senate's Pension and Labor Committee, where she fought tirelessly for workers' rights. Additionally, though she received many awards and accolades for her efforts in promoting and preserving civil rights, Anita has the distinct honor of being the first woman to act as House Speaker in the history of the State of Indiana.

Throughout her illustrious career, aside from being known as an eloquent speaker, Anita was often referred to as the "Conscience of the General Assembly," Undoubtedly, this moniker stemmed from her desire to better society through supporting legislation aimed at what is just and what is right. This desire for equality and inclusion was demonstrated time and time again, even in her final speech from the podium, when she reminded her colleagues that the State constitution was intended to preserve rights, not to take them away.

Madam Speaker, I respectfully ask that you and my other distinguished colleagues join me in honoring State Senator Anita Bowser for her outstanding devotion to her community and the State of Indiana. Her unselfish and lifelong dedication to her family, friends, students, and those she so faithfully served in her elected positions is worthy of the highest commendation. Anita's selflessness and her commitment to preserving the rights of all people are an inspiration to us all, and I am proud to have called her my friend.

IN RECOGNITION OF TERRI POCZERWINSKI

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Mr. ELLSWORTH. Madam Speaker, I rise today to recognize the outstanding achievements of Terri Poczerwinski from Evansville, Indiana. Tomorrow, Mrs. Poczerwinski will be one of four graduates to receive the Career College Association's Graduate Recognition for Excellence, Achievement and Talent (GREAT) Award. To be selected among the 1.8 million students in career colleges across the country is truly a remarkable feat.

Mrs. Poczerwinski's story is one of triumph over tragedy. She enrolled in the medical assisting program at Indiana Business College (IBC) in April 2005. She excelled in her classes even while recovering from surgery the beginning of fall term. Then in November 2005, tragedy struck when Terri lost her daughter Melinda in the tornadoes that ravaged southwest Indiana. Despite struggling with her personal grief, Mrs. Poczerwinski continued her hard work and success in the classroom.

Then two days before Thanksgiving and again before Christmas, her son-in-law was injured by an improvised exploding device while serving in Iraq. But Mrs. Poczerwinski pressed forward, graduating from IBC last December with a 3.57 grade point average. She now works at Hebron Pediatrics.

I congratulate Mrs. Poczerwinski for her tremendous accomplishments in the face of adversity. She is an inspiration to us all.

CONGRATULATING LOURDES LEON GUERRERO ON BEING NAMED THE 2007 SMALL BUSINESS ADMINISTRATION WOMEN IN BUSINESS CHAMPION FOR GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Ms. BORDALLO. Madam Speaker, I rise today to acknowledge and congratulate Ms. Lourdes Leon Guerrero on being selected as Guam's Small Business Administration's Women in Business Champion for 2007. The daughter of Jesus and Eugenia Leon Guerrero, founders of the Bank of Guam, Lou succeeds her father and brother Tony as the Bank of Guam's president and chairwoman of its Board of Directors. Lou's success began many years ago in the halls of the Academy of Our Lady of Guam, where she attended

high school, and onto the campuses of the California State University in Los Angeles, where she earned her bachelor of science in nursing degree, and UCLA, where she earned a masters degree in public health.

After college, Lou returned to Guam to serve as a nurse. After serving for many years as a nursing administrator in one of Guam's largest family clinics, Lou began her public service in Guam's legislature, where she served as a senator for five terms. As a member of Guam's legislative body, Lou pursued policies which have improved healthcare services on Guam. She worked with the Commission on Nurse Leaders and the Civil Service Commission to secure fair and equitable pay for Guam's nurses. A strong advocate for a tobacco-free environment, Lou introduced and supported landmark legislation, including the Natasha Act, which prohibits smoking in public places on Guam. She has initiated the development of programs in order to ensure that women, children, the elderly and the disabled are provided accessible and affordable healthcare.

As a healthcare professional, Lou has fought for the viability of health insurance programs for the medically indigent and disabled. She has supported legislation which encourages the disabled to become self-sufficient entrepreneurs, and she has fostered policies which ensure that dignity and respect are always afforded to the community's senior citizens.

Lou continues to champion for the rights of the indigenous population on Guam, and to support Federal legislation which will recognize the loyalty and patriotism of the people of Guam during World War II and provide reparation for the horrific injustices endured by the Chamorro people during the occupation of Guam by Imperial Japanese forces.

Today, as chairperson of the board and chief executive officer of the Bank of Guam, Lou is active and involved with the Bank of Guam's daily operations, meeting regularly with the bank's policymakers and coordinating with the top management staff. Through her work, Lou continues the legacy of fairness, honesty, and trust that her father and brother began before her. By continuing this legacy, Lou has proven her dedication to serving the people of Guam and ensuring that the Bank of Guam continues to be an institution that can meet the unique needs of the local community.

TRIBUTE TO THE PORTAGE YOUTH COMMISSION'S FIRST ANNUAL YOUTH LEADERSHIP SUMMIT

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Mr. VISCLOSKY. Madam Speaker, it is with great pleasure that I stand before you to recognize the Portage Youth Commission's first annual Youth Leadership Summit. This remarkable event, which will bring together students from over 40 area high schools, will take place on Saturday, March 17, 2007, at Woodland Park in Portage, IN.

The Portage Youth Commission was established in 2002 after local officials recognized the need for greater participation from the youth in the community. They knew the youth had a very influential voice, and that voice needed to be heard. Advised by Mayor Doug Olson and Councilwoman Olga Velasquez, the commission, made up of high school students from the city of Portage, has become a very significant component of the Portage community. Through their efforts, the commission has successfully founded a Youth Service Day and an annual charity art auction, and they have also sponsored various other events focused on the community's youth.

With this year's Youth Leadership Summit, the Portage Youth Commission hopes to set the tone for years to come. During this event, students from all parts of Northwest Indiana will come together to share experiences and learn valuable leadership skills that will benefit them throughout their lifetimes. The goal of the commission is that by learning from each other, as well as teaching each other, these students will realize that they are the leaders of tomorrow, and it is up to them to take responsibility for the progress of their communities and their Nation.

A special guest at this year's event will be Brett Eastburn, a motivational speaker who will address the students on the need for leaders to emerge in their generation. The summit will also consist of various exercises and activities aimed at promoting leadership qualities and a roundtable discussion on the importance of leaders in society.

Madam Speaker, at this time, I ask that you and my other distinguished colleagues join me in recognizing the efforts of the Portage Youth Commission and the organizers of their first annual Youth Leadership Summit as they strive to educate the youth of Northwest Indiana on the importance of true leaders in our society. Their inspiring efforts are to be commended.

TRIBUTE TO HONEY KESSLER AMADO AND JUDITH PODOLSKY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Mr. WAXMAN. Madam Speaker, I rise to recognize two remarkable and accomplished women who are being honored as Women of Valor by the West Coast region of the American Committee for Shaare Zedek Medical Center in Jerusalem. Honey Kessler Amado and Judith Podolsky are both being named Women of Valor at a concert by the world-renowned Klezmer musician Giora Feidman on the evening of March 14, 2007, in Beverly Hills, California. I cannot imagine more deserving recipients of this honor.

Honey Kessler Amado has been keenly active in the Jewish community since college, when she served as a religious schoolteacher under her mentor and rabbi, Rabbi Mordechai Soloff. Honey became active in the Los Angeles Jewish community soon after her marriage to Ralph Amado, 30 years ago. She is now a central figure in the Los Angeles Jewish community and is regarded as an expert on issues affecting the community. She first worked in the Soviet Jewry movement, during which time she and Ralph traveled to the Soviet Union to visit Refusenik Jews. Her involvement and passion for the issue led her to become chair of the Commission on Soviet Jewry of the Community Relations Committee of the Jewish Federation Council.

Honey's work in Soviet Jewry led to her involvement in the Jewish National Fund, where she served as a regional and national officer. She also served as co-chair of the Jewish Feminist Center of the American Jewish Committee (AJC). She currently sits on the regional and national boards of the American Jewish Committee and serves as co-chair of AJC's regional International Relations Committee.

Honey also serves on the speakers' bureau and the Synagogue Advisory Council of Jewish World Watch, and on the board of the Los Angeles Jewish Symphony. At her synagogue, Temple Isaiah in West Los Angeles, she sits on the board of trustees and serves as chair of the Jewish World Watch Committee, having chaired and sat on several other committees of the synagogue.

In 2002, Honey was a member of a 9-person delegation from the AJC to go to Germany as a guest of Germany's Konrad Adenauer Foundation to address post-Holocaust relations between Germans and Jews and between Germany and Israel. In September 2005, she was invited to return to Germany as a representative of the AJC on an Adenauer Foundation delegation observing the campaign of the CDU/CSU party in Germany.

This past December, Honey volunteered through Sar-El (Volunteers in Israel) to work for two weeks on an Army base in Israel.

Honey and Ralph have three children: Jessica, Micah and Gabrielle. They have an extended circle of family and friends, which includes Esther, an Ethiopian law student they have been sponsoring through the North American Conference on Ethiopian Jewry, and Brenna, a young Navajo child in New Mexico Honey mentors through Futures for Children.

Judith Podolsky has both volunteered and offered her professional services to the Jewish community for many years. She has been a tremendous fundraiser for numerous causes and is regarded as the consummate fundraiser for Israel.

Judy has received awards from the Masorti Foundation, the Schecter Institute, the University of Judaism and the Los Angeles Human Rights Commission for her remarkable contributions.

Judy has played an historic role in the Los Angeles Jewish community. She served as the first female President of a Los Angeles area synagogue—Beth Kodesh (now Shomrei Torah). In addition, she has served as the vice president of the Women's League for Conservative Judaism. Judy is a member of the Executives Support for the Associates/IMC Support Groups of the Los Angeles Jewish Home for the Aging. She is also a member of the Los Angeles Human Rights Advisory Commission and a lifetime member of Hadassah.

After 18 distinguished years as one of Jewish National Fund's most successful and beloved staff members, Judy enjoyed a brief retirement. She has recently joined the staff of the American Committee for the Shaare Zedek and is responsible for attracting one of the largest gifts ever received by the Medical Center.

Judy is a beloved, admired and respected mother, sister, aunt. She is a confidant to countless others. Her husband Stanley and her extended family will be with her to receive this prestigious award.

I ask my colleagues to join me in recognizing Honey Kessler Amado and Judith Podolsky for their tireless dedication to the Los Angeles Jewish community and in congratulating them on being named Women of Valor by the West Coast Region of the American Committee for Shaare Zedek Medical Center in Jerusalem.

CONGRATULATING MICHAEL W. NAHOLOWAA ON BEING NAMED THE 2007 SMALL BUSINESS ADMINISTRATION FINANCIAL SERVICES CHAMPION FOR GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Ms. BORDALLO. Madam Speaker, I rise to recognize and congratulate Mr. Michael W. Naholowaa, vice president of the Bank of Guam and manager of the Bank's Upper Tumon Loan Center on being named the U.S. Small Business Administration 2007 Financial Services Champion for Guam. Mr. Naholowaa is responsible for all loan activities, including the underwriting and marketing of new and prospective businesses in Tumon/Tamuning, the heart of Guam's commercial district. He is also responsible for loan administration for the bank branches in the Commonwealth of the Northern Mariana Islands, CNMI, and the Micronesian region.

Mr. Naholowaa is known for his concern for his customers and for making an extra effort to advise and assist those would-be entrepreneurs who wish to start a business. Mr. Naholowaa is a true mentor for Guam's youth, and his dedication is evident in his community service. As a former Junior Achievement advisor, he remains actively involved in the Guam Junior Achievement program, helping young people hone their entrepreneurial skills and providing them the tools necessary to succeed in the future.

Mr. Naholowaa earned an associate's degree in Computer Science and a bachelor's degree in Business Administration from the University of Guam in 1975 and 1978, respectively. He continued his education in banking as he rose through the ranks in the Bank of Guam, graduating from the Pacific Coast Banking School of the University of Washington, Seattle, in 1988, and completing numerous Institute of Banking courses and workshops as well as Small Business Administration, RDA, and other government-sponsored courses and workshops.

Mr. Naholowaa is a past chairman of the CNMI Banking Association, a past vice chairman of the Guam Institute of Banking; past president and vice president of the Saipan Chamber of Commerce, and chairman of the Saipan Junior Achievement Program. He also served in various leadership positions for the Commonwealth Development Loan Fund, the Saipan Rotary Club, the CNMI Governor's Council of Economic Advisors, Bank of Guam Employee Club, Guam Lion's Club, and University of Guam Student Organization. Mr. Naholowaa currently is a member of the Guam Chamber of Commerce's Armed Services Committee and the Guam Junior Achievement program, and is vice president of the Alupang Cove Homeowners Association and the San Vitores Court Homeowners Association. He is also the current chairman of UOG's School of Business and Public Administration Advisory Council.

Mr. Naholowaa now joins other Financial Services Champions for consideration as the Small Business Administration's National Champion award. I wish Mike and his wife, Leah Beth, the best and thank them both for their service to the people of Guam.

EMPLOYEE FREE CHOICE ACT

SPEECH OF

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 800) to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practice during organizing efforts, and for other purposes:

Mr. GRIJALVA. Madam Chairman, I rise today in support of H.R. 800, the Employee Free Choice Act of 2007.

This bill should be recognized for what it is: a major advance for human rights, the right ff of a worker to associate freely and to bargain collectively. The freedom to form a union is a human right recognized in the Universal Declaration of Human Rights, the internationally recognized standard of the most basic and fundamental freedoms to which all human beings are entitled. Article 23 of this document states: "Everyone has the right to form and to join trade unions for the protection of his interests."

This Act restores and gives substance to the right to join a union. This right is a fundamental element of a healthy and vibrant economy. Further, reinforcing this right makes this prosperity accessible to working families and their communities.

Workers who belong to unions earn 30 percent more than nonunion workers. They are 62 percent more likely to have employer-provided health coverage and four times more likely to have pensions. A December 2006 research study conducted by Peter D. Hart Research Associates found that 60 million U.S. workers say they would join a union if they could. Workers know that a union job means respect on the job, and a better life for their families.

Fair wages. Good benefits. Secure retirement. These are core elements necessary to build the American Dream, and this legislation is a vital step toward renewing that promise to the workers of this Nation—the men and women on the ground, in whose labor and industry we rely to make this dream a reality.

The Employee Free Choice Act preserves the option for workers to choose to vote by secret ballot, and adds the option of choosing majority sign-up as their method of gaining recognition. This bill removes the de facto veto power employers currently exercise over the option of majority sign-up. The rights and prerogatives of workers will increase.

The right to form a union in America was born in struggle, and has been under attack ever since. This bill ensures participatory democracy in the workplace and returns workers their rights. The power to organize is the most powerful tool available to workers. It empowers workers to have their voice heard.

The working families of this Nation deserve recognition for the fruits of their labor. Through this legislation, today we empower American workers to raise their voice, to reclaim their rights, and introduce a vital measure of democracy to the American workplace.

RECOGNIZING THE 46TH ANNIVERSARY OF THE PEACE CORPS

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Mr. LANGEVIN. Madam Speaker, I rise today to pay tribute to the 46th anniversary of the Peace Corps. For more than 4 decades, services donated by Peace Corps volunteers have played an integral role in developing countries, while fostering friendships and improving U.S. relations with their host countries. The Peace Corps' goals ultimately include promoting democratic values, peace and prosperity. More than 187,000 Americans have served worldwide in 139 countries, promoting an ethic of international stewardship and peace.

The Peace Corps was created by President John F. Kennedy on March 1, 1961, as an international volunteer organization dedicated to serving the United States and promoting peace around the world. During that time in history, the United States was deep into the Cold War, and President Kennedy saw the need for an organization to serve as a nonmilitary response to the perceived threat of communism. President Kennedy invoked the spirit of American service in his 1960 inaugural address where he famously encouraged Americans to "ask not what your country can do for you—ask what you can do for your country." The program has since provided volunteers who train workers in the areas of education, the HIV/AIDS pandemic, small business development, agriculture, health care and public works.

While the world has changed dramatically since the 1960s, the challenges to peace and cooperation remain. I wholeheartedly support the current mission of the Peace Corps and its role in promoting cross-cultural relationships with our global neighbors. It is a tremendous educational tool and an opportunity for professional and personal development. Americans take as much away from their experiences as do the people in other nations whose lives they touch. It is my hope that the Peace Corps remains steadfast in its mission to foster peace and knowledge around the world and preserve the vision of President Kennedy.

Madam Speaker, I encourage my colleagues to acknowledge the importance of the Peace Corps organization and the commitment made by these volunteers. The Peace Corps volunteers' selfless dedication to this nation and the international community is an example to us all.

CONGRATULATING MARIQUITA C. LEON GUERRERO ON BEING NAMED THE 2007 SMALL BUSINESS ADMINISTRATION HOME-BASED BUSINESS CHAMPION FOR GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Ms. BORDALLO. Madam Speaker, I rise today to recognize and congratulate Mrs. Maraquita C. Leon Guerrero on being named the U.S. Small Business Administration 2007 Home-Based Business Champion of the Year for Guam. Mrs. Leon Guerrero, affectionately known as ''Tita,'' is the proprietress of Tita's Bakery, a home-based bakery that has produced Chamorro pastries since 1965.

This honor is richly deserved. Tita has made a much-loved local confection very nearly an icon of my home district. Some people call them Chamorro jaw breakers, others call them a cookie, and still others a candy. Guguria is all of those. They are small, hard sugar-coated cookies made with coconut milk.

For more than 40 years now, Tita's Guguria has fulfilled the sweet-tooth cravings of my constituents who didn't want to undertake the laborious process of making guguria themselves. Newcomers to Guam quickly discover Tita's Guguria and have sent them to their families and friends far and wide. Tita's Guguria also has become a staple in ''care packages'' from families at home to relatives here in the mainland. In 1998, during his visit to Guam, President Bill Clinton was served some of Tita's Guguria. Upon his return to Washington, DC, the White House placed an order for more.

Mrs. Leon Guerrero's business model—the secret to her success—is a classic one: She found a need and filled it admirably. But Tita did not intend to build a successful small business. Like most home-based entrepreneurs, she simply wanted to augment her family income. Her little bake shop, which started as a 12–by–14–foot room, now covers more than 5,000 square feet. One of Tita's daughters now follows in her mother's footsteps, operating her own home-based bakery business called ''Tita, Jr.,'' which specializes in baked goods from handed-down family recipes.

Mrs. Leon Guerrero is a role model not only for her daughters but for all other would-be home-based entrepreneurs. She has proven that a good idea is a valuable thing, and hard work really does pay off. ''You have to be happy, and you must enjoy your work in order to succeed,'' she is quoted as saying in a magazine feature.

Although she still gets up at 2 in the morning to start work, Tita devotes the weekends to her family. Her husband Ben is her most loyal and loving ''employee''; he helps with deliveries. We send Tita, Ben, Genny, Renee, their grandchildren, and the employees of Tita's bakery our best wishes as they join other Home-based Business Champions from around the country for consideration to be the Small Business Administration's National Champion for that category.

PERSONAL EXPLANATION

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Mr. EMANUEL. Madam Speaker, I was absent from the Chamber for rollcall No. 103 on February 27, 2007. Had I been present, I would have voted ''yea.''

IN RECOGNITION OF THE 25TH ANNIVERSARY OF THE AMERICAN HERBAL PRODUCTS ASSOCIATION (AHPA)

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Mr. PALLONE. Madam Speaker, I rise today to honor the American Herbal Products Association (AHPA), an organization that is celebrating its 25th anniversary.

Since AHPA's founding in 1982, the organization has been at the forefront of promoting the responsible commerce of herbs and herbal products and has continually been a leader in the herbal products community. AHPA began by organizing growers, processors, manufacturers and marketers of herbal products and has since grown into a diverse trade association, representing over 250 companies in the herbal products industry and their affiliated businesses.

AHPA has distinguished itself in the dietary supplement world for the quality of its work and advocacy before lawmakers and regulators. AHPA is highly regarded in as a knowledgeable and trusted voice on issues that impact trade in herbal products. Over the years, AHPA has gained a reputation for tackling complex issues in this diverse sector.

One of the many contributions that AHPA is proud of is its publication of the reference, Herbs of Commerce, which established standardized common names for herbal ingredients and is used by the Food and Drug Administration as a reference in the labeling regulations for dietary supplements. AHPA also made significant contributions toward the passage of the Dietary Supplement Health and Education Act of 1994. More recently, AHPA played a seminal role in the effort to establish a Federal serious adverse event reporting mechanism for the dietary supplement industry. AHPA's lead voice on this issue was extremely instrumental in the passage in December 2006 of the Dietary Supplement and Nonprescription Drug Consumer Protection Act of 2006.

AHPA and its members should be commended for their ongoing commitment to supporting the responsible commerce of herbs and herbal products in the United States. I once again rise to recognize this momentous occasion and to wish AHPA a happy 25th Anniversary.

THE PSORIASIS AND PSORIATIC ARTHRITIS RESEARCH, CURE, AND CARE ACT

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Mr. WU. Madam Speaker, I rise today to support all those in the United States battling psoriasis and psoriatic arthritis and that is why on February 9, 2007 I introduced H.R. 1188, The Psoriasis and Psoriatic Arthritis Research, Cure, and Care Act.

Today as many as seven and a half million Americans are affected by psoriasis—a chronic, inflammatory, painful, disfiguring and disabling disease for which there are limited treatments and no cure. What's worse is that along with living with this disease is that many of these patients are still living with the painful stigma that has accompanied psoriasis for some many years.

The Psoriasis and Psoriatic Arthritis Research, Cure, and Care Act seeks to create a fundamental understanding of where we are as a nation in fighting psoriasis and how we can align our resources and focus our efforts in combating the disease. The Act calls on the Secretary of Health and Human Services to convene a summit of researchers, public health professionals, representatives of patient advocacy organizations and policymakers to review current efforts in psoriasis and psoriatic arthritis research, treatment, quality-of-life being conducted by federal agencies whose work involves psoriasis and psoriatic arthritis and psoriasis and psoriatic arthritis related comorbidities.

The Act also commissions the Institute of Medicine to investigate and recommend changes to the current ways psoriasis is treated by the insurance industry and what treatments are available to patients and how effective available care is for patients.

Finally, the Act directs the Center for Disease Control and Prevention to begin to develop a patient registry to collect much-needed, and highly informative longitudinal data on psoriasis and psoriatic arthritis so researchers can begin to understand the long-term impact of these conditions and evaluate the effects of various therapies.

I would I also like to recognize the work of the National Psoriasis Foundation, and their leadership to work with patients and their families, doctors and researchers to work toward a better understanding of the disease and their commitment to improve the quality of life for people living with psoriasis and psoriatic arthritis.

This bill is an important move forward to realizing the promise of the current research in the field, as well as the creation of possibilities for the future.

I urge my colleagues to join me in supporting the Psoriasis and Psoriatic Arthritis Research, Cure, and Care Act.

CONGRATULATING PEREZ BROS, INC. ON BEING NAMED THE 2007 SMALL BUSINESS ADMINISTRATION JEFFREY BUTLAND FAMILY-OWNED BUSINESS OF THE YEAR FOR GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Ms. BORDALLO. Madam Speaker, I rise today to congratulate the Perez Bros, Inc. of Upper Tumon, Guam on being named the U.S. Small Business Administration 2007 Jeffrey Butland Family-Owned Business of the Year for Guam.

Perez Bros, Inc. was founded by the late Frank D. Perez on September 1951. Perez Bros began as a hardware store outside his mother-in-law's home on Guam. It was a conglomerate comprised of a construction company, manufacturer of concrete block products, a hardware store and related services. In 1960, Frank D. Perez incorporated his company and opened a 12,000 square foot store in Hagatna, Guam. Perez Bros, Inc. now manufactures, supplies and transports ready-mix concrete masonry blocks, pre-cast concrete, limestone aggregates, and related concrete accessories. One of only two concrete manufacturers on Guam, Perez Bros, Inc. is the only locally owned concrete producer based on the founder and owner's indigenous background.

In the early 70's Perez Bros, Inc. started expanding, opening an asphalt and crusher plant. The company spent $1 million buying a fleet of dump trucks, mixers and paving equipment. Perez Bros, Inc. won bids for major projects on four island roadways. In 1973 Perez Bros, Inc. was hit hard by the oil crisis and eventually in 1982 Perez Bros, Inc. had to shut down their asphalt plant and hardware store. Guam's economy started an upswing when a tourism boom began in the latter part of the decade. Soon construction cranes putting up high-rise hotels were the dominant feature of the Tumon, Guam skyline. Perez Bros, Inc. was quick to take advantage of the boom. "We own the land that we quarry, we own the crusher that processes the rocks, the dump trucks that bring it here and the mixers that deliver it to our customers. So we really don't have, with the exception of the asphalt plant, we don't have an ongoing battle with bureaucracy," said Tom, son of the late Frank D. Perez, in an interview for a business magazine. Perez Bros, Inc. revenues peaked in 1998 during the tourism boom and continues to peak with the impending military buildup starting in 2008. The military estimates $10 billion will be pumped into Guam in the form of military and related construction projects over the next eight years.

Greg, Tom and John are three of the six sons born to the late Frank D. Perez. The brothers currently own and operate Perez Bros Inc. on Guam. Greg (the third eldest brother) serves as Vice President of Administration, Tom (the fifth eldest brother) is currently the President of Perez Bros, Inc and John (the youngest brother) have spent the last 20 years diversifying their business interests on Guam, creating hundreds of local jobs for Guam's workforce and strengthening Guam economy. Collectively, all three brothers were groomed by their father to pursue various disciplines relevant to continuity and growth of the family business. They continue to follow their father's vision and they hope to instill in their children the work ethic that their father instilled in them. This is important for the survival of the family business. The brothers realize that it is up to them to map out the company's next 50 years.

IN HONOR OF RUDY FARBER

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Mr. BLUNT. Madam Speaker, I rise today to recognize Rudy Farber, who recently celebrated his 50th year of service at the Community Bank and Trust in Neosho, Missouri.

At the age of 16, as soon as he could drive, Rudy began working in the bookkeeping department of the Bank of Neosho. Over the course of his career he has watched the bank go from figuring interest by hand to the automated process that it is today. Rudy became president of the bank in 1979, taking over for his father who had served as president since 1942. Rudy's father was dedicated to the community and Rudy has followed in his footsteps by believing that community bankers should be involved in community improvement. In 1987, Rudy introduced an employee stock ownership program for the bank. The employees currently own half of the bank and Rudy plans that in the future the employees will purchase his interest and keep the bank employee owned. Before becoming president, Rudy worked as an assistant cashier, assistant vice-president and served in the United States Navy from 1963–1967. The bank changed its name to the Community Bank and Trust in 1993 and now operates branches throughout Southwest Missouri. Rudy continues to serve as president and chairman of the Community Bank and Trust. Rudy and his wife Dorothy have two children, Aaron and Nori Vial.

I am proud to congratulate Rudy Farber on his 50 years of service as a community leader in Neosho.

HONORING THE CONTRIBUTIONS OF CASIMIR PULASKI

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Mr. LIPINSKI. Madam Speaker, today we salute and honor the life of Casimir Pulaski. Casimir Pulaski was born in Poland and gained extensive military experience there before moving to the United States in 1777. At that time, the U.S. was in the midst of the Revolutionary War, and George Washington's army was in need of experienced commanders. Casimir Pulaski bravely volunteered to serve with the American troops, famously stating, "I came here, where freedom is being defended, to serve it, and to live or die for it." Casimir Pulaski soon distinguished himself in battles at Brandywine and Charleston before being fatally wounded during the Battle of Savannah. However, his military legacy lives on, as he is still known as the "Father of the American Cavalry".

As Illinois celebrates Casimir Pulaski Day today, it is my honor to join in recognizing the life and achievements of that great patriot. In Congress, I am working with many of my colleagues to pass legislation that would make Casimir Pulaski a citizen posthumously. I believe this is a fitting tribute for a man who did so much to win the independence, rights and liberties that Americans enjoy today.

HONORING THE LIFE AND SERVICE OF 2ND LIEUTENANT MARK J. DAILY

HON. JOHN CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Mr. CAMPBELL of California. Madam Speaker, I rise today to honor the life of 2nd Lieutenant Mark J. Daily—an honorable citizen and hero in our nation's War on Terrorism.

Lieutenant Daily grew up in Irvine, California, and graduated from Woodbridge High School in 2001. He was known among family and friends as having an amazing breadth of knowledge, a strong desire to serve, and a wonderful sense of humor.

In 2005, Lieutenant Daily graduated from the University of California at Los Angeles as a Reserve Officers' Training Corps (ROTC) cadet with a bachelor's degree in political science. His ability and work ethic was further exemplified that year when he was named as both the ROTC outstanding cadet and a Distinguished Military Graduate, the highest honor one can receive in the ROTC.

As a member of the United States Army's 4th Brigade Combat Team, he was stationed in Iraq's northern city of Mosul. Tragically, on January 15, 2007, Lieutenant Daily made the ultimate sacrifice when he was killed conducting operations in the city.

Lieutenant Daily is survived by his wife, Snejana; his parents, John and Linda; his sisters, Christine and Nicole; and his brother, Eric. He valued their love, and they miss him terribly now. On his webpage, Lieutenant Daily listed his interests as "family, peace, and progress." And it is in the value that he placed on these three things that we see the quality of his character.

The night before he left for Iraq, Lieutenant Daily wrote an online weblog to friends and family entitled "Why I Joined." In the post, he articulately stated the importance of fostering a stable democratic government in Iraq, and the harsh consequences of failure. He called upon all Americans to challenge themselves, to not just enjoy the blessings of liberty, but to act upon them.

In the wake of his death, Lieutenant Daily's web log was widely distributed in newspapers and on the internet. These words have served as an inspiration and encouragement to many. It is clear he felt passionately about what he was doing and why he was doing it. What better way to remember his heart for service and commitment to progress than by reflecting on his own words. Mr. Speaker, the following web log entry was posted on his website on October 29, 2006:

WHY I JOINED

This question has been asked of me so many times in so many different contexts

that I thought it would be best if I wrote my reasons for joining the Army on my page for all to see. First, the more accurate question is why I volunteered to go to Iraq. After all, I joined the Army a week after we declared war on Saddam's government with the intention of going to Iraq. Now, after years of training and preparation, I am finally here.

Much has changed in the last three years. The criminal Ba'ath regime has been replaced by an insurgency fueled by Iraq's neighbors who hope to partition Iraq for their own ends. This is coupled with the ever present transnational militant Islamist movement which has seized upon Iraq as the greatest way to kill Americans, along with anyone else they happen to be standing near. What was once a paralyzed state of fear is now the staging ground for one of the largest transformations of power and ideology the Middle East has experienced since the collapse of the Ottoman Empire. Thanks to Iran, Syria, and other enlightened local actors, this transformation will be plagued by interregional hatred and genocide. And I am now in the center of this.

Is this why I joined?

Yes. Much has been said about America's intentions in overthrowing Saddam Hussein and seeking to establish a new state based upon political representation and individual rights. Many have framed the paradigm through which they view the conflict around one-word explanations such as ''oil'' or ''terrorism,'' favoring the one which best serves their political persuasion. I did the same thing, and anyone who knew me before I joined knows that I am quite aware and at times sympathetic to the arguments against the war in Iraq. If you think the only way a person could bring themselves to volunteer for this war is through sheer desperation or blind obedience then consider me the exception (though there are countless like me).

I joined the fight because it occurred to me that many modern day ''humanists'' who claim to possess a genuine concern for human beings throughout the world are in fact quite content to allow their fellow ''global citizens'' to suffer under the most hideous state apparatuses and conditions. Their excuses used to be my excuses. When asked why we shouldn't confront the Ba'ath party, the Taliban or the various other tyrannies throughout this world, my answers would allude to vague notions of cultural tolerance (forcing women to wear a veil and stay indoors is such a quaint cultural tradition), the sanctity of national sovereignty (how eager we internationalists are to throw up borders to defend dictatorships!) or even a creeping suspicion of America's intentions. When all else failed, I would retreat to my fragile moral ecosystem that years of living in peace and liberty had provided me. I would write off war because civilian casualties were guaranteed, or temporary alliances with illiberal forces would be made, or tank fuel was toxic for the environment. My fellow ''humanists'' and I would relish contently in our self righteous declaration of opposition against all military campaigns against dictatorships, congratulating one another for refusing to taint that aforementioned fragile moral ecosystem that many still cradle with all the revolutionary tenacity of the members of Rage against the Machine and Green Day. Others would point to America's historical support of Saddam Hussein, citing it as hypocritical that we would now vilify him as a thug and a tyrant. Upon explaining that we did so to ward off the fiercely Islamist Iran, which was correctly identified as the greater threat at the time, eyes are rolled and hypocrisy is declared. Forgetting that America sided with Stalin to defeat Hitler, who was promptly confronted once the Nazis were destroyed, America's initial engagement with Saddam and other regional actors is identified as the ultimate argument against America's moral crusade.

And maybe it is. Maybe the reality of politics makes all political action inherently crude and immoral. Or maybe it is these adventures in philosophical masturbation that prevent people from ever taking any kind of effective action against men like Saddam Hussein. One thing is for certain, as disagreeable or as confusing as my decision to enter the fray may be, consider what peace vigils against genocide have accomplished lately. Consider that there are 19 year old soldiers from the Midwest who have never touched a college campus or a protest who have done more to uphold the universal legitimacy of representative government and individual rights by placing themselves between Iraqi voting lines and homicidal religious fanatics. Often times it is less about how clean your actions are and more about how pure your intentions are.

So that is why I joined. In the time it took for you to read this explanation, innocent people your age have suffered under the crushing misery of tyranny. Every tool of philosophical advancement and communication that we use to develop our opinions about this war are denied to countless human beings on this planet, many of whom live under the regimes that have, in my opinion, been legitimately targeted for destruction. Some have allowed their resentment of the President to stir silent applause for setbacks in Iraq. Others have ironically decried the war because it has tied up our forces and prevented them from confronting criminal regimes in Sudan, Uganda, and elsewhere.

I simply decided that the time for candid discussions of the oppressed was over, and I joined.

In digesting this posting, please remember that America's commitment to overthrow Saddam Hussein and his sons existed before the current administration and would exist into our future children's lives had we not acted. Please remember that the problems that plague Iraq today were set in motion centuries ago and were up until now held back by the most cruel of cages. Don't forget that human beings have a responsibility to one another and that Americans will always have a responsibility to the oppressed. Don't overlook the obvious reasons to disagree with the war but don't cheapen the moral aspects either. Assisting a formerly oppressed population in converting their torn society into a plural, democratic one is dangerous and difficult business, especially when being attacked and sabotaged from literally every direction. So if you have anything to say to me at the end of this reading, let it at least include ''Good Luck.''—Lt. Mark J. Daily, United States Army.

CONGRATULATING ST. JUDE MEDICAL CENTER ON ITS 50TH ANNIVERSARY

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Mr. ROYCE. Madam Speaker, on behalf of the sisters, physicians and staff of St. Jude Medical Center, I rise to congratulate the hospital on its 50th Anniversary.

In 1957, the Sisters of St. Joseph of Orange opened a new hospital in Fullerton to continue their remarkable ministry of compassion and healing. Since then, St. Jude Medical Center, a nonprofit, faith-based facility, has grown into one of Southern California's most respected and technologically-advanced hospitals. And the same excellence that it strives for within its walls, is apparent in its efforts to touch lives outside its walls.

St. Jude continuously improves the health and quality of life of the people in the communities it serves. One example is the St. Jude Neighborhood Health Center. Located in an underserved area, this new facility offers a full range of outpatient care to uninsured and low-income families.

St. Jude's commitment to improving lives is evident in each of the 14 hospitals within the St. Joseph Health System (SJHS), the Catholic healthcare ministry of the sisters. In Southern California, SJHS is considered the pre-eminent healthcare network and includes four hospitals, outpatient facilities, hospice and home health care agencies, and physician groups.

EMPLOYEE FREE CHOICE ACT

SPEECH OF

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 800) to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes:

Mr. ENGEL. Madam Chairman, I rise today in support of a long overdue measure, the Employee Free Choice Act. This necessary bill gives America's hard workers basic rights that they have been denied for over 70 years.

My father was an ironworker, and a member of his local union. I saw firsthand the struggles employees went through in order to organize their workplace. I also saw how easy it was and how easy it still is to fire union organizers with impunity. This unlawful practice happens all the time, and the worst that can possibly happen to the employer is a slap on the wrist.

I was also a proud member of a union. I was a teacher and a guidance counselor in New York City, where I became a member of the American Federation of Teachers. I learned the personal benefits to collective bargaining, and I discovered the security of having thousands of other brothers and sisters of the union behind me if I ever needed them.

Unions were an integral part in making this Nation the economic superpower it is. And while this bill will not put laborers on an even footing with employers, it will help to bridge the chasm between workers' rights and corporate rights.

Madam Chairman, we owe unions and their members a massive debt of gratitude for everything they have done for this country. We can start paying back that debt by passing the Employee Free Choice Act. I strongly support this measure, and I urge my colleagues to do the same.

INTRODUCTION OF ''OPENNESS PROMOTES EFFECTIVENESS IN OUR NATIONAL GOVERNMENT ACT OF 2007''

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Mr. SMITH of Texas. Madam Speaker, today I introduced the ''Openness Promotes Effectiveness in our National Government Act of 2007'' (the ''OPEN Government Act'').

This legislation will give the public more information and better insight into the workings of government by strengthening the Freedom of Information Act (FOIA).

The OPEN Government Act also creates a broader definition of ''news media'' so that additional types of news media can obtain government documents at minimal cost.

The legislation establishes a system that assigns individualized tracking numbers to requests for information so individuals can track their requests.

I want to protect our open system of government and ensure that the Federal government responds to the American people.

Unfortunately, the process for obtaining government information is overly burdensome and federal agencies have become less and less responsive to requests for information.

This deters citizens from obtaining information to which they are entitled.

Taxpayers should have the opportunity to obtain information quickly and easily from the Federal government.

I had hoped to work with the Democrats to draft bipartisan legislation this year and we were able to compromise on several provisions of the bill.

Unfortunately, we could not come to an agreement on all provisions.

The bill I am introducing today includes provisions regarding recovery of attorneys' fees when an individual has been wrongly denied information, penalties for agencies that do not comply within the specified FOIA time limits, and additional agency reporting requirements.

However, the key issue the Democrats insisted on adding to the bill was a statutory presumption of disclosure surrounding FOIA.

It would in essence reverse the FOIA guidelines set out by former Attorney General John Ashcroft.

In 2001, then Attorney General Ashcroft established a policy that information from the government should not be provided if it was likely to threaten national security or invade personal privacy.

My bill would continue this policy and make FOIA requests subject to these national security and personal privacy concerns.

This bill makes it easier for citizens to get an answer to their requests for information. Citizens should have the opportunity to obtain information quickly and easily from the Federal government.

BICENTENNIAL OF THE BRITISH ABOLITION OF THE TRANS-ATLANTIC SLAVE TRADE—ACKNOWLEDGMENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Mr. RANGEL. Madam Speaker, I rise today to acknowledge the Bicentennial of the British Abolition of the Trans-Atlantic Slave Trade and enter into the record an article from the Africana Heritage newsletter, published by the Schomburg Center for the Research in Black History and Culture entitled ''Bicentennial of the American and British Abolition of the Trans-Atlantic Slave Trade. ''

On March 25, 1807, the British Parliament passed the Abolition of the Slave Trade Act. This act outlawed slave trading, granted authority to the British Royal Navy to search and seize ships, and also required payment for the freedom of slaves. This act also was a pivotal piece of legislation and eventually contributed to the full abolishment of slavery in Great Britain and in the United States.

This bicentennial offers an opportunity, for people around the world, to remember the historical significance of the slave trade and slavery as a whole. We must never forget the immeasurable human cost of slavery or the aftermath that still lingers today. Considerable progress has been made toward equality and to repair the damage caused by the British institution of slavery, but work still needs to be done in the area of race relations for people of African descent in the U.S. and abroad. The bicentennial provides us an opportunity to remember the history of our past while working toward equality today.

In March of 2007, Great Britain will begin a year long commemoration of the bicentennial in several ways. Approximately $37.5 million has been allocated for projects. Specifically, the government is funding projects that involve education on the history of the transatlantic slave trade in schools and communities. The dedication of funding to educate people about the Trans-Atlantic slave trade is noteworthy. I applaud Great Britain for their efforts and look forward to the planning of similar events in the United States during the coming year.

BICENTENNIAL OF THE AMERICAN AND BRITISH ABOLITION OF THE TRANS-ATLANTIC SLAVE TRADE

Two hundred years ago, on March 3, 1807, President Thomas Jefferson signed into act a bill approved by Congress the day before ''to prohibit the importation of slaves into any port or place within the jurisdiction of the United States.'' A few weeks later, on the 25th, the British House of Lords passed The Slave Trade Abolition Bill. In neither country did new legislation signify the immediate end of the international slave trade. Twenty years earlier, the Constitution of the United States (article I, section 9) had clearly spelled out that it could not be banned before 1808, and it was not until January 1, 1808 that the American and British acts went into effect.

Nevertheless, the deportation of Africans continued: legally to Brazil, and the French and Spanish colonies; and illegally to the United States and the British West Indies. Of the 12.5 million men, women, and children uprooted by the trans-Atlantic slave trade—93 percent towards South America and the Caribbean—3.5 million were transported between 1801 and 1867.

Throughout 2007, the bicentennial of the abolition of the international slave trade will be commemorated in Great Britain—the largest slave trading country with more than 40 percent of the deportations—and Anglophone Caribbean countries with exhibitions, conferences, and other activities. About $37.5 million have been awarded in Great Britain to various projects. The American commemoration will take place in 2008.

MAJOR MANIFESTATIONS OF THE BICENTENNIAL IN GREAT BRITAIN:

Bristol

Between 1698 and 1807, Bristol sent 2,000 slave ships to Africa. To commemorate the city's involvement in the slave trade, The Bristol Industrial Museum will propose an exhibition on the slave trade and its abolition. The British Empire and Commonwealth Museum's exhibition ''Breaking the Chains'' will open on February 15 and run for two years.

Hull

The Wilberforce House Museum and the Wilberforce Institute will develop and update their slavery and abolition collections. The University of Hull will organize a conference, ''Slavery: Unfinished Business,'' on May 16–18.

Liverpool

The International Slavery Museum will open on August 23 in the city that deported 1.5 million Africans in 5,000 voyages (300 to North America), making it the first slave-trading port in Europe.

London

The Museum of London and The Museum in Docklands will present exhibitions on the role of London in the slave trade. The city—second in Europe after Bristol—sent more than 2,700 slave ships to Africa.

The Victoria and Albert Museum will have two exhibitions starting on February 20, on the impact and legacy of slavery on art.

Manchester

A partnership of 11 organizations will examine the economic, cultural, and social effects of the slave trade on Great Britain beyond the port cities in a wide-ranging project called ''Revealing Histories.''

Portsmouth

The Royal Naval Museum will show an exhibition on the role of the Royal Navy's Africa Squadron in the repression of the transatlantic slave trade.

Warwick

A conference, ''Free at Last? Commemorating the Bicentennial Anniversary of the Abolition of the British Slave Trade,'' will take place from July 11 to 13.

York

The University of York will present a conference on April 12–14, ''Abolitions, 1807–2007: Ending the Slave Trade in the Atlantic World.''

Conference in Ghana

From August 8th to the 12th, the Omohundro Institute of Early American History and Culture (Virginia), UNESCO, the Gilder Lehrman Institute of American History (Yale), the W. E. B. Du Bois Institute (Harvard), the Reed Foundation, and the Wilberforce Institute will convene an international conference, ''The bloody Writing is for ever torn': Domestic and International Consequences of the First Governmental Efforts to Abolish the Atlantic Slave Trade.''

SUPPORT FOR THE SAFE COMMISSION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Mr. WOLF. Madam Speaker, earlier this year I reintroduced legislation in the House of Representatives aimed at addressing the looming financial crisis facing the Nation, the Securing America's Future Economy (SAFE) Commission Act. The bill would establish a national bipartisan commission that will put everything—entitlement spending as well as all other Federal programs and our Nation's tax policies—on the table and require Congress to vote up or down on its recommendations in their entirety, similar to the process set in 1988 to close military bases. Mandating congressional action on the panel's recommendations is what differentiates this commission from previous ones.

I submit for the RECORD an op-ed by Dr. Ed Feulner, President of the Heritage Foundation. Dr. Feulner believes that the SAFE Commission provides an opportunity to address this looming crisis. This legislation can provide a path toward a safe and secure economy for generations to come—a renaissance for America.

This legislation will be good for the future of America.

[From the Sun Times, Feb. 28, 2007]

WE NEED A NEW COMMISSION TO TACKLE ENTITLEMENT PROGRAMS

(By Ed Feulner)

In any policy battle, it helps to have allies. So it's good that AARP seems finally ready to help press for reform of entitlements such as Social Security, Medicare and Medicaid.

AARP's shift can be seen in its latest TV ad, ''Future Champions.'' It shows children stressing the need to ''find real long-term solutions to some of America's most pressing issues—health care and long-term financial security.''

The ad is misleading in some ways. Speaking about entitlements, one boy asks, ''Will we keep those promises?'' when, of course, this child has made no promises. In fact, the big three entitlement programs are promises made by older generations—to give themselves benefits that younger workers will have to pay for through ever-rising payroll taxes.

But the overall message of the ad is that we need to make some big changes to fix entitlements. That's a refreshing change from two years ago. Back then, when President Bush was urging the creation of individual retirement accounts within Social Security, AARP's ads insisted, ''If you had a problem with the kitchen sink, you wouldn't tear down the entire house,'' hinting that entitlement problems weren't all that bad.

But the organization now seems to understand that the country's on the verge of a fiscal catastrophe.

The Congressional Budget Office predicts that spending on Social Security, Medicare and Medicaid will soar from just over 8 percent of GDP today to almost 19 percent in 2050, when the cute children in today's TV ads will be middle-aged parents. Their bill will be gigantic: $38 trillion to pay for the Social Security and Medicare benefits their parents have promised themselves—but not arranged to pay for. Add in the national debt and other entitlements, and it works out to $440,000 for every household in the United States today—enough to buy each of those families a new home. Or two.

So how can we fix things? Well, as we learned in the debate over Social Security, we can't simply take on one problem at a time. If we try to reform just one of the big programs, some group will always fight for the status quo. We need to fix all three at once.

Also, we need to give lawmakers some cover. To accomplish that, Congress should form a commission such as the one Rep. Frank Wolf (R–Va.) proposed last year. Wolf would label it ''SAFE,'' for ''Securing America's Future Economy.'' It would have 16 voting members, including at least four members of Congress, the director of the Office of Management and Budget and the secretary of the Treasury.

The commission would be bipartisan and have one year to develop plans to:

Fix the imbalance between long-term federal spending promises and projected revenues.

Boost national savings to spur domestic investment and economic growth.

Simplify the budget process to place greater emphasis on long-term fiscal issues.

The first thing the commission would do is leave Washington and discuss reform options with Americans. That should help it avoid the temptation to hatch some scheme behind closed committee-room doors. Plus, the members would surely find, as the Heritage Foundation has with our ongoing Fiscal Wake-Up Tour, a real desire out there to fix entitlement programs.

Once it reports to Congress, lawmakers would be required to hold a simple up-or-down vote on each of its recommendations. This should help break the legislative logjam. Just as base-closing commissions enabled lawmakers to shutter obsolete military bases (even those in their own districts or states), a SAFE Commission would help lawmakers make necessary changes without being accused of ''destroying'' entitlement programs.

Many of us over 50 realize that our generation, however inadvertently, created the coming entitlement crisis, and we understand it's up to us to solve it. AARP will be a welcome ally—if we can believe their ads. Establishing a SAFE Commission should help us find out.

SUPPORTING THE GOALS AND IDEALS OF A NATIONAL MEDAL OF HONOR DAY

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 2007

Mr. REYES. Mr. Speaker, I rise in support of H. Con. Res. 47, observing National Medal of Honor Day and honoring the sacrifices of Medal of Honor recipients and their contributions to our Nation. March 25th is an appropriate day to recognize these individuals, since the first Medal of Honor was awarded on March 25, 1863.

This resolution not only salutes the bravery of Medal of Honor recipients, but also gives the American public the opportunity to learn about the history of this prestigious military distinction and the uncommon acts of courage that made recipients real-life heros.

Previous honorees include several El Pasoans. Staff Sergeant Ambrosio Guillen was posthumously awarded the Medal of Honor for going above and beyond the call of duty during the Korean War. Sergeant Guillen sacrificed his life in order to thwart an enemy attack, saving the lives of the men in his platoon. He was laid to rest at Fort Bliss National Cemetery.

Colonel Joseph C. Rodriguez was also awarded the Medal of Honor for his courageous actions in the Korean War. While facing a barrage of hostile fire and improbable odds, Colonel Rodriguez secured a strategic stronghold by killing 15 enemy soldiers occupying well-fortified positions. He later moved to El Paso following his retirement from the Army and served as Facilities Director at the University of Texas at El Paso for over 10 years.

Most recently, on April 4, 2005, Army Sergeant First Class Paul Ray Smith was posthumously awarded the Medal of Honor for his ''extraordinary heroism and uncommon valor'' while repelling an enemy attack on a prisoner of war holding area during Operation Iraqi Freedom. Sergeant Smith quickly organized two Army platoons to defend their position. In the face of enemy fire, Smith manned a .50 caliber machine gun mounted on a damaged armored vehicle. Although exposed to enemy gunfire, Sergeant Smith maintained his position. His heroism resulted in the death of over 50 enemy soldiers before Sergeant Smith was mortally wounded during this courageous act.

As a Vietnam veteran, I recognize the importance of honoring these selfless acts of courage. In order to preserve their legacy and costly sacrifices, I proudly stand in support of our Medal of Honor recipients.

HONORING READ ACROSS AMERICA

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Mr. RAHALL. Madam Speaker, in May 1997, a small reading task force at National Education Association came up with a big idea. ''Let's create a day to celebrate reading,'' the group decided. ''We hold pep rallies to get kids excited about football—why don't we do something to get kids excited about reading? We'll call it 'NEA's Read Across America' and we'll celebrate it on Dr. Seuss's birthday.'' And so was born on March 2, 1998, the largest celebration of reading this country has ever seen.

To commemorate this special day, I recently joined third-graders at Coal City Elementary and read to them some of Dr. Seuss' more famous stories, including The Cat in the Hat, which marks its 50th anniversary this year. As always, it was a joy to spend some time with the students and their instructors, Sandra Snuffer, Donna Thomas and Janet Smith. I was inspired by the students' interest in learning, and encouraged by our educators' dedication to teaching them the importance of literacy.

Of course, as we all know, just as reading should not be confined to our classrooms, neither should our efforts to encourage literacy be confined to one single day of the year. As President Bill Clinton once said, ''Literacy is not a luxury, it is a right and a responsibility. If our world is to meet the challenges of the twenty-first century we must harness the energy and creativity of all our citizens.''

It's hard to believe, but 20 percent of the people you see during the course of a day cannot read, according to most recent statistics. In the Third District of West Virginia, this average is even higher, at 24 percent. This is a startling statistic that needs to change and we are deeply indebted to the organizations that devote themselves to this important cause—organizations like the Literacy West Virginia, which has councils in all of West Virginia's 55 counties. On February 21, I had the opportunity to meet with the Tri-State Literacy Council and its director Dee George at the Cabell County Library to discuss the great strides the organization is making in adult education.

I am proud of my record of support for literacy programs and initiatives. Time and again I have opposed budget proposals from this Administration that would cut funding to important literacy programs which are intended to assist families break the cycle of poverty and illiteracy. And I will continue to fight policies that undermine the hard work so many are doing to improve reading levels in the Mountain State.

I have also again contacted my colleagues on the Appropriations Committee in Congress urging them to provide $25 million in federal funds to the Reading Is Fundamental Inexpensive Book Distribution Program (RIF), allowing this important literacy initiative to continue operating at its current level. As the Nation's largest children's literacy organization, RIF last year provided more than 16 million new books free of charge to nearly 4.5 million of the nation's most underserved children in all fifty states.

Literacy is the gateway to educational excellence and a key to success in our society. On Read Aloud Day, let us recommit to helping improve the lives of the men, women, and children in West Virginia and across America who cannot read.

Because with literacy, to borrow from the great Dr. Seuss himself:

You have brains in your head.
You have feet in your shoes
You can steer yourself
any direction you choose.

TRIBUTE TO MS. C. ''JEANNE'' TIMMONS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Mr. FILNER. Madam Speaker, earlier his month the United States Coast Guard and the entire Coast Guard community lost a great friend and colleague with the retirement of Ms. C. "Jeanne" Timmons.

Jeanne began her incredible career with the United States Government in May 1963, when she became a staffer to Congressman Victor Wickersham from her home State of Oklahoma. Over the next 26 years in the U.S. House of Representatives, she worked for Congressman Jack Flynt, Congressman Bob Sikes, Congressman Earl Hutto, and the House Coast Guard Subcommittee.

In July 1989, Jeanne left the House to begin a new career with the United States Coast Guard, where she was able to utilize her expertise and passion to enhance recreational boating programs in our Nation. Her tenure with the Coast Guard has included various positions, all related to recreational boating safety. She has worked as a State Grant Regional Coordinator, the Chief of the State Affairs Branch, a Program Analyst, the Chief of the Program Management Division, and finally the Executive Director of the National Boating Safety Advisory Council.

Throughout her career, Jeanne's invaluable knowledge and experience were a tremendous asset to Congress, the Coast Guard, and to the boating community as a whole. I take this opportunity to commend and thank Jeanne for her years of service in the United States Government and wish her good health and good luck in her future endeavors.

IN RECOGNITION OF THE OCCASION OF THE SCHOMBURG CENTER FOR RESEARCH IN BLACK CULTURE 80TH ANNIVERSARY AFRICANA HERITAGE AWARDS GALA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 2007

Mr. RANGEL. Madam Speaker, I rise today to acknowledge the Schomburg Center For Research in Black Culture for hosting the 80th Anniversary Africana Heritage Awards Gala, in which 13 living legends were honored and to enter into the record an article from the Africana Heritage newsletter entitled "80th Anniversary Gala Pays Tribute to 13 Living Legends."

On October 6, 2006, the Schomburg Center For Research in Black Culture, which is a community treasure, recognized and honored Black achievement by paying tribute to living legends Maya Angelou, Chinua Achebe, Clarence Avant, Harry Belafonte, Elizabeth Catlett, Aime Cesaire, Ruby Dee, John Hope Franklin, William Greaves, Ernest Kaiser, Don Newcombe, Herman J. Russell, and Percy Sutton. The legends have made significant contributions to African American history and culture in areas such as law, business, acting, music, filmmaking, poetry, and sports. Each honoree was presented with a Heritage Award statuette. I was honored to present an award to Percy Sutton.

The well organized gala was attended by over 1,000 people. Honorees and guest enjoyed music and poetry performed by the Eli Fountain Percussion Discussion Ensemble, Angelique Kidjo, Kaissa, Kayo, Avery Brooks, and Phylicia Rashad. Dinner was also served. The gala marked a historical moment for the Schomberg Center. The honorary chairs for the gala including myself were President Bill Clinton, Senator HILLARY RODHAM CLINTON, David Dinkins, Catherine C. Marron, and Paul LeClerc.

The Schomburg Center for Research in Black Culture, which is located in Harlem, is a part of the New York Public Library. It was named after black scholar Arturo Alfonso Schomburg in 1940 and in 1972 was designated as a Research Library within the New York Public Library.

It contains an immeasurable wealth of information in the form of manuscripts, rare books, archives, art, photographs, oral history recordings, motion pictures, and videotapes relative to global African and African diasporan experiences.

I have introduced legislation, H. Con. Res. 57, to recognize the Schomburg Center for Research and Black Culture for educating the people of the United States about the African-American migration experience, and for other purposes.

[From the African Heritage Newsletter]

80TH ANNIVERSARY GALA PAYS TRIBUTE TO 13 LIVING LEGENDS

Legends came to life for the nearly one thousand guests gathered at Frederick P. Rose Hall, Home of Jazz at Lincoln Center for the Schomburg Center's 80th Anniversary Africana Heritage Awards Gala, on Friday, October 6, 2006. Chaired by Billye S. Aaron and Sherry B. Bronfman, the Gala Honorary Chairs included President William Jefferson Clinton, Senator Hillary Rodham Clinton, Congressman Charles B. Rangel, The Honorable David N. Dinkins, Chairman of the Board, The New York Public Library Catherine C. Marron, and President and CEO, The New York Public Library Dr. Paul LeClerc.

One of the most memorable evenings in the Center and New York's cultural history, the event honored an extraordinary group of 13 individuals, whose careers and lives have had an immeasurable impact on African-American and American culture. The honorees included author, poet, dancer, actress, and director, Maya Angelou; author and scholar, Chinua Achebe; music executive and producer, Clarence Avant; singer, actor, and activist, Harry Belafonte; sculptress and printmaker, Elizabeth Catlett; author, poet, and playwright, Aimé Césaire; actress, writer, activist, Ruby Dee; historian and author, John Hope Franklin; filmmaker and producer, William Greaves; librarian, bibliographer, and editor, Ernest Kaiser; athlete and community leader, Don Newcombe; entrepreneur and civic leader, Herman J. Russell; and lawyer, activist, political and communications leader, Percy Sutton.

The evening began with a VIP reception at the Mandarin Oriental Hotel for the award recipients and major donors, and continued at the Frederick P. Rose Hall with: a cocktail reception in the Atrium, tribute program in The Rose Theater, and a post-tribute dinner in the Allen Room. At the Mandarin, many of the honorees gathered and mingled with distinguished guests including the Gala Co-Chairs Billye Aaron and Sherry Bronfman; Honorary Chairs Congressman Charles B. Rangel and The Honorable David N. Dinkins; and Vice Chairs Hank Aaron, Joyce Dinkins, Evem Cooper Epps, president of the UPS Foundation and vice president of its Corporate Relations, Ingrid Saunders Jones, senior vice president of The Coca-Cola Company and chair of the Coca-Cola Foundation, and The Honorable Andrew J. Young; along with New York City Council Speaker Christine Quinn, President and CEO of Major League Baseball Bob DuPuy, actor Danny Glover, and author Walter Mosley. Entertained by Saleem Waters, the group also included poet Sonia Sanchez, author Walter Mosley, NYU Professor Manthia Diawara, Essence Magazine Editorial Director Susan L. Taylor, and New York Assemblyman Keith L.T. Wright.

The tribute program in the Rose Theater began with a prelude of songs spanning 80 years to mirror the center's and the honorees' lifetimes by Eli Fountain Percussion Discussion Ensemble, featuring musicians Lyndon Achee, Alex Blake, Brian Carrot, Miles Dalto, Roland Guerreo, Phoenix Rivera, William Smith, Marc Taylor, and special guest artist Patato Valdez on the congas. Program hosts, actors Avery Brooks

and Phylicia Rashad, greeted the audience followed by welcomes and acknowledgements by Howard Dodson and David Ferriero and Co-Chairs Billye Aaron and Sherry Bronfinan. Author and spoken word artist Kayo presented the first performance tribute to the honorees, ''I Can Move Mountains.'' The award presenters gave biographical sketches and read the citation for each honoree before presenting the award statuettes with the assistance of four students from the Schomburg Center/New York Life Junior Scholars Program. The audience paid tribute to each recipient with a standing ovation. The first awards were presented to Ernest Kaiser by Schomburg Chief Howard Dodson; William Greaves by President of the Black Filmmaker Foundation Warrington Hudlin; Ruby Dee by actress Lynn Whitfield; and Harry Belafonte by Sherry Bronfman and Danny Glover. West African singer Angelique Kidjo then performed a special song in honor of the Africana Heritage Award recipients. The second set of awards were presented to Don Newcombe by Hank Aaron and Bob DuPuy; Clarence Avant by Billye Aaron; Herman Russell by Ingrid Saunders Jones; and Percy Sutton by Charles Rangel and David Dinkins. Avery Brooks performed Sterling Brown's poem ''Strong Men'' followed by Percussion Discussion, which kept the audience excited throughout the evening with their distinct and diverse sound.

The third and final set of honorees to receive statuettes were Elizabeth Catlett by Evern Cooper Epps and David Driskell, Dean of African-American Art Historians; John Hope Franklin by Howard Dodson; Aime Cesaire by Walter Mosley; Maya Angelou by Andrew Young; and Chinua Achebe by Manthia Diawara, Professor of Comparative Literature and Film and Director of Africana Studies and the Institute of African American Affairs at New York University. The final performance tributes were Phylicia Rashad's reading of Maya Angelou's ''Phenomenal Woman,'' and a musical selection by vocalist Kaïssa, from Cameroon.

After the tribute program, the honorees and major donors enjoyed dinner in the Allen Room. Awaiting them was a breathtaking view of New York City from the room's dramatic glass wall facing Broadway and Central Park, allowing guests a remarkable—but rare view of the City's streetscape. Tables with lavender rose centerpieces designed by Sandra Parks on royal blue overlays designed by David Fleming, along with music by Saleem Waters added to the extraordinary ambience. The Gala closed with words of appreciation from Howard Dodson, marking one of the most historical moments in the history of the Schomburg Center.

EMPLOYEE FREE CHOICE ACT

SPEECH OF

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 2007

The House in Committee of the Whole House on the State of the Union had under consideration the b111 (H.R. 800) to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injuctions for unfair labor practices during organizing efforts, and for other purposes;

Mrs. McCARTHY of New York. Madam Chairman, I rise in strong support of the Employee Free Choice Act.

Strengthening unions results in a stronger and more vibrant middle class, which is something we can all support.

Madam Chairman, we have heard arguments about how this legislation is taking away a worker's right to vote.

Let me make it absolutely clear, this bill does no such thing!

It does not take away the voting rights of workers.

The bill says that if 30 percent of workers want an election instead of a majority sign up, they get the election.

I want people to know, though, that most workers do not want to go through the so-called election process because it is so favorable to the employers.

Despite recent arguments from the bill's opponents, we are not talking about anything remotely similar to the American election system.

During our election season, we will be exposed to ads on our TVs that we can turn off.

With the union elections, employers hold employees captive for one on one meetings with supervisors to listen to anti-union rhetoric.

Having someone tell you how to vote on campaign ads over and over again might be annoying.

But imagine if it was your boss telling you how to vote with your job hanging over your head.

In Committee, we heard about situations where employees have to walk past armed law enforcement to cast their votes.

One witness, a Smithfield Foods worker, talked about a time when on ''election'' day, sheriffs officers were dressed in battle gear with guns lining the long driveway leading to the plant.

This is not the traditional American election.

Madam Chairman, I urge my colleagues to support this important legislation and give workers the choices they deserve.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 6, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 7

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine investing in our nation's future through agricultural research.

SR–328A

Energy and Natural Resources

To hold an oversight hearing to examine market constraints on large investments in advanced energy technologies and investigate ways to stimulate additional private-sector investment in the deployment of these technologies.

SD–366

Health, Education, Labor, and Pensions

To hold hearings to examine strengthening American competitiveness for the 21st Century.

SH–216

Commerce, Science, and Transportation

Interstate Commerce, Trade, and Tourism Subcommittee

To hold hearings to examine policy implications of pharmaceutical importation for U.S. consumers.

SR–253

Judiciary

To hold hearings to examine the McCarran-Ferguson Act and Antitrust Immunity.

SD–226

Veterans' Affairs

To hold an oversight hearing to examine the Veterans Administration adjudication process.

SR–418

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings to examine Department of Defense medical programs.

SD–192

Homeland Security and Governmental Affairs

Investigations Subcommittee

To hold hearings to examine fees, interests rates and grace periods relating to credit card practices, focusing on high fees charged for late payments, over-the-limit charges, including how those fees are assessed, how they add to interest costs, and how they contribute to consumer debt, and an industry practice requiring consumer payments to be applied first to balances with the lowest interest rates instead of to balances with the highest interest rates.

SD–342

2 p.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold an oversight hearing to examine the enforcement of the antitrust laws.

SD–226

Appropriations

Energy and Water Development Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2008 for the Department of Energy.

SD–138

2:30 p.m.

Commerce, Science, and Transportation

Space, Aeronautics, and Related Agencies Subcommittee

To hold hearings to examine national imperatives for Earth Science research.

SR–253

3 p.m.
Environment and Public Works
To hold hearings to examine the President's proposed budget request for fiscal year 2008 for the Environmental Protection Agency.
SD–406

MARCH 8

9:15 a.m.
Appropriations
Transportation, Housing and Urban Development, and Related Agencies Subcommittee
To hold hearings to examine cross-border trucking with Mexico.
SD–138

9:30 a.m.
Armed Services
To hold hearings to examine the nominations of Admiral Timothy J. Keating, USN, for reappointment to the grade of admiral and to be Commander, United States Pacific Command, Lieutenant General Victor E. Renuart, Jr., USAF, for appointment to be general and to be Commander, United States Northern Command/Commander, North American Aerospace Defense Command, and Lieutenant General Robert L. Van Antwerp, USA, for reappointment to the grade of lieutenant general and to be Chief of Engineers/Commanding General, United States Army Corps of Engineers.
SH–216
Commerce, Science, and Transportation
Aviation Operations, Safety, and Security Subcommittee
To hold hearings to examine the Administration's proposal to reauthorize the Federal Aviation Administration Part II.
SR–253
Foreign Relations
To hold hearings to examine time for a new strategy relating to Afghanistan.
SD–419
Indian Affairs
To hold hearings to examine the Indian Health Care Improvement Act Amendments of 2007.
SR–485
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the Paralyzed Veterans of America, Jewish War Veterans, Blinded Veterans Association, Vietam Veterans of America, and Non Commissioned Officers Association.
SD–106

10 a.m.
Appropriations
Commerce, Justice, Science, and Related Agencies Subcommittee
To hold hearings to examine the President's proposed budget request for fiscal year 2008 for the National Oceanic and Atmospheric Administration and the National Science Foundation.
SD–192
Finance
To hold hearings to examine perspectives on the 2007 trade agenda.
SD–215
Health, Education, Labor, and Pensions
To hold hearings to examine follow-on biologics.
SD–430
Judiciary
Business meeting to consider the nominations of Thomas M. Hardiman, of Pennsylvania, to be United States Circuit Judge for the Third Circuit, and Vanessa Lynne Bryant, to be United States District Judge for the District of Connecticut, the possibilty of the issuance of certain subpoenas to former U.S. attorneys, S. 236, to require reports to Congress on Federal agency use of data mining, S. 261, to amend title 18, United States Code, to strengthen prohibitions against animal fighting, S. 376, to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, S. 231, to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012, S. 368, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, S. 655, to amend the Congressional Charter of The American National Red Cross to modernize its governance structure, to enhance the ability of the board of governors of The American National Red Cross to support the critical mission of The American Red Cross in the 21st century, S. 627, to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to improve the health and well-being of maltreated infants and toddlers through the creation of a National Court Teams Resource Center, to assist local Court Teams, S. Res. 88, honoring the extraordinary achievements of Massachusetts Governor Deval Patrick, and S. Con. Res. 14, commemorating the 85th anniversary of the founding of the American Hellenic Educational Progressive Association, a leading association for the 1,300,000 United States citizens of Greek ancestry and Philhellenes in the United States.
SD–226
Small Business and Entrepreneurship
To hold hearings to examine small business solutions for combating climate change.
SR–428A

2 p.m.
Foreign Relations
To receive a closed briefing regarding Gulf security.
S–407, Capitol

2:30 p.m.
Appropriations
Homeland Security Subcommittee
To hold hearings to examine the President's proposed budget request for fiscal year 2008 for the Department of Homeland Security.
SD–192
Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

MARCH 9

9 a.m.
Appropriations
Financial Services and General Government Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for the Commodity Futures Trading Commission and the Small Business Administration.
SD–138

MARCH 13

10 a.m.
Judiciary
To hold hearings to examine judicial nominations.
SD–226

MARCH 14

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine Department of Veterans Affairs and Department of Defense cooperation and collaboration, focusing on education and training.
SR–418

10 a.m.
Judiciary
To hold hearings to examine reinvigorating the Freedom of Information Act relating to open government.
SD–226

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Innovation Subcommittee
To hold hearings to examine technology solutions for climate change.
SR–253

MARCH 20

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Innovation Subcommittee
To hold hearings to examine energy innovation.
SR–253

MARCH 27

9:30 a.m.
Judiciary
To hold oversight hearings to examine the Federal Bureau of Investigation.
SH–216
Veterans' Affairs
To hold an oversight hearing to examine Department of Veterans Affairs and Department of Defense cooperation and collaboration, focusing on health care issues.
SR–418

MARCH 28

2:30 p.m.
Commerce, Science, and Transportation
Space, Aeronautics, and Related Agencies Subcommittee
To hold hearings to examine transitioning to a next generation Human Space Flight System.
SR–253

MARCH 29

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of AMVETS, Ex-POWs, Military Order of the Purple Heart, and Fleet Reserve Association.
SD–106

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S2567–S2647

Measures Introduced: Nine bills and two resolutions were introduced, as follows: S. 756–764, S.J. Res. 5, and S. Res. 93. **Page S2598**

Measures Reported:

S. 385, to improve the interoperability of emergency communications equipment, with amendments. (S. Rept. No. 110–30)

S. 509, to provide improved aviation security, with amendments. (S. Rept. No. 110–31)

S. 763, to provide the resources to protect public transportation from terrorism. (S. Rept. No. 110–32) **Pages S2597–98**

Measures Passed:

Department of Homeland Security 4th Anniversary: Senate agreed to S. Res. 94, honoring the employees of the Department of Homeland Security on the 4th anniversary of the Department. **Page S2646**

Improving America's Security by Implementing Unfinished Recommendations of the 9/11 Commission Act: Senate resumed consideration of S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, withdrawing the committee amendment in the nature of a substitute, taking action on the following amendments proposed thereto: **Pages S2573–86, S2588–93**

Pending:

Reid Amendment No. 275, in the nature of a substitute. **Page S2573**

Sununu Amendment No. 291 (to Amendment No. 275), to ensure that the emergency communications and interoperability communications grant program does not exclude Internet Protocol-based interoperable solutions. **Page S2573**

Salazar/Lieberman Modified Amendment No. 290 (to Amendment No. 275), to require a quadrennial homeland security review. **Page S2573**

DeMint Amendment No. 314 (to Amendment No. 275), to strike the provision that revises the personnel management practices of the Transportation Security Administration. **Page S2573**

Lieberman Amendment No. 315 (to Amendment No. 275), to provide appeal rights and employee engagement mechanisms for passenger and property screeners. **Page S2573**

McCaskill Amendment No. 316 (to Amendment No. 315), to provide appeal rights and employee engagement mechanisms for passenger and property screeners. **Pages S2573, S2585–86**

Dorgan/Conrad Amendment No. 313 (to Amendment No. 275), to require a report to Congress on the hunt for Osama Bin Laden, Ayman al-Zawahiri, and the leadership of al Qaeda. **Pages S2570–71, S2573**

Landrieu Amendment No. 321 (to Amendment No. 275), to require the Secretary of Homeland Security to include levees in the list of critical infrastructure sectors. **Page S2573**

Landrieu Amendment No. 296 (to Amendment No. 275), to permit the cancellation of certain loans under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. **Page S2573**

Landrieu Amendment No. 295 (to Amendment No. 275), to provide adequate funding for local governments harmed by Hurricane Katrina of 2005 or Hurricane Rita of 2005. **Page S2573**

Allard Amendment No. 272 (to Amendment No. 275), to prevent the fraudulent use of social security account numbers by allowing the sharing of social security data among agencies of the United States for identity theft prevention and immigration enforcement purposes. **Page S2573**

McConnell (for Sessions) Amendment No. 305 (to Amendment No. 275), to clarify the voluntary inherent authority of States to assist in the enforcement of the immigration laws of the United States and to require the Secretary of Homeland Security to provide information related to aliens found to have violated certain immigration laws to the National Crime Information Center. **Pages S2573, S2590–93**

McConnell (for Cornyn) Amendment No. 310 (to Amendment No. 275), to strengthen the Federal Government's ability to detain dangerous criminal aliens, including murderers, rapists, and child molesters, until they can be removed from the United States. **Page S2573**

McConnell (for Cornyn) Amendment No. 311 (to Amendment No. 275), to provide for immigration injunction reform. **Page S2573**

McConnell (for Cornyn) Amendment No. 312 (to Amendment No. 275), to prohibit the recruitment of persons to participate in terrorism. **Page S2573**

McConnell (for Kyl) Amendment No. 317 (to Amendment No. 275), to prohibit the rewarding of suicide bombings and allow adequate punishments for terrorist murders, kidnappings, and sexual assaults. **Page S2573**

McConnell (for Kyl) Amendment No. 318 (to Amendment No. 275), to protect classified information. **Page S2573**

McConnell (for Kyl) Amendment No. 319 (to Amendment No. 275), to provide for relief from (a)(3)(B) immigration bars from the Hmong and other groups who do not pose a threat to the United States, to designate the Taliban as a terrorist organization for immigration purposes. **Page S2573**

McConnell (for Kyl) Amendment No. 320 (to Amendment No. 275), to improve the Classified Information Procedures Act. **Page S2573**

McConnell (for Grassley) Amendment No. 300 (to Amendment No. 275), to clarify the revocation of an alien's visa or other documentation is not subject to judicial review. **Page S2573**

McConnell (for Grassley) Amendment No. 309 (to Amendment No. 275), to improve the prohibitions on money laundering. **Page S2573**

Thune Amendment No. 308 (to Amendment No. 275), to expand and improve the Proliferation Security Initiative while protecting the national security interests of the United States. **Page S2573**

Cardin Amendment No. 326 (to Amendment No. 275), to provide for a study of modification of area of jurisdiction of Office of National Capital Region Coordination. **Page S2573**

Cardin Amendment No. 327 (to Amendment No. 275), to reform mutual aid agreements for the National Capital Region. **Page S2573**

Cardin Modified Amendment No. 328 (to Amendment No. 275), to require Amtrak contracts and leases involving the State of Maryland to be governed by the laws of the District of Columbia. **Pages S2573, S2588**

Feinstein Amendment No. 335 (to Amendment No. 275), to improve the allocation of grants through the Department of Homeland Security. **Pages S2574–80, S2581–85**

Schumer/Clinton Amendment No. 336 (to Amendment No. 275), to prohibit the use of the peer review process in determining the allocation of funds among metropolitan areas applying for grants under the Urban Area Security Initiative. **Pages S2580–81**

Schumer/Clinton Amendment No. 337 (to Amendment No. 275), to provide for the use of funds in any grant under the Homeland Security Grant Program for personnel costs. **Page S2581**

Collins Amendment No. 342 (to Amendment No. 275), to provide certain employment rights and an employee engagement mechanism for passenger and property screeners. **Page S2585**

Coburn Amendment No. 325 (to Amendment No. 275), to ensure the fiscal integrity of grants awarded by the Department of Homeland Security. **Pages S2588–90**

Sessions Amendment No. 347 (to Amendment No. 275), to express the sense of the Congress regarding the funding of Senate approved construction of fencing and vehicle barriers along the southwest border of the United States. **Page S2593**

A unanimous-consent agreement was reached providing for further consideration of the bill at 11:00 a.m., on Tuesday, March 6, 2007; provided that at 12 noon, the question recur on agreeing to DeMint Amendment No. 314 (listed above), and that the Majority Leader be then recognized. **Page S2647**

Nomination Confirmed: Senate confirmed the following nomination:

By 87 yeas 1 nay (Vote No. EX. 59), Carl Joseph Artman, of Colorado, to be an Assistant Secretary of the Interior. **Pages S2586–87, S2647**

Nominations Received: Senate received the following nominations:

Michael E. Baroody, of Virginia, to be a Commissioner of the Consumer Product Safety Commission. for a term of seven years from October 27, 2006.

Michael E. Baroody, of Virginia, to be Chairman of the Consumer Product Safety Commission.

David George Nason, of Rhode Island, to be an Assistant Secretary of the Treasury.

Patrick Dennis Duddy, of Maine, to be Ambassador to the Bolivarian Republic of Venezuela. **Page S2647**

Measures Read the First Time: **Pages S2597, S2646–47**

Petitions and Memorials: **Page S2597**

Additional Cosponsors: **Pages S2598–S2600**

Statements on Introduced Bills/Resolutions: **Pages S2600–32**

Additional Statements: **Pages S2594–97**

Amendments Submitted: **Pages S2632–46**

Authorities for Committees to Meet: **Page S2646**

Record Votes: One record vote was taken today. (Total—59) **Page S2587**

Adjournment: Senate convened at 1:30 p.m., and adjourned at 7:22 p.m., until 10:00 a.m. on Tuesday, March 6, 2007. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S2647.)

Committee Meetings

(Committees not listed did not meet)

TRANSPORTATION SECURITY ADMINISTRATION PERSONNEL SYSTEM

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded an oversight hearing to examine the Transportation Security Administration Personnel System, focusing on proposed legislation relating to the personnel system, after receiving testimony from Kip Hawley, Assistant Secretary of Homeland Security for the Transportation Security Administration; and John Gage, American Federation of Government Employees, AFL–CIO, Washington, D.C.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 19 public bills, H.R. 1308–1326; and 8 resolutions, H.J. Res. 39; H. Con. Res. 78–80; and H. Res. 210–213 were introduced. **Pages H2164–65**

Additional Cosponsors: **Pages H2165–66**

Reports Filed: Reports were filed today as follows:

H.R. 493, to prohibit discrimination on the basis of genetic information with respect to health insurance and employment, with an amendment (H. Rept. 110–28, Pt. 1); H. Res. 202, providing for the expenses of certain committees of the House of Representatives in the One Hundred Tenth Congress, with an amendment (H. Rept. 110–29); and

H.R. 720, to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes, with an amendment (H. Rept. 110–30). **Page H2164**

Speaker: Read a letter from the Speaker wherein she appointed Representative Hirono to act as Speaker Pro Tempore for today. **Page H2123**

Recess: The House recessed at 12:34 p.m. and reconvened at 2 p.m. **Page H2123**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Amending the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional recycling project and in the Cucamonga Valley Water District recycling project: H.R. 122, amended, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional recycling project and in the Cucamonga Valley Water District recycling project; **Pages H2124–25**

Southern Idaho Bureau of Reclamation Repayment Act of 2007: H.R. 467, amended, to authorize early repayment of obligations to the Bureau of Reclamation within the A & B Irrigation District in the State of Idaho; **Page H2126**

Piedras Blancas Historic Light Station Outstanding Natural Area Act of 2007: H.R. 276, to designate the Piedras Blancas Light Station and the surrounding public land as an Outstanding Natural Area to be administered as a part of the National Landscape Conservation System; **Pages H2126–28**

Colorado Northern Front Range Mountain Backdrop Protection Study Act: H.R. 903, to provide for a study of options for protecting the open space characteristics of certain lands in and adjacent to the Arapaho and Roosevelt National Forests in Colorado; **Pages H2128–29**

Amending Public Law 106–348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States: H.R. 995, to amend Public Law 106–348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States, by a ⅔ yea-and-nay vote of 390 yeas with none voting "nay", Roll No. 119. **Pages H2129–31, H2138**

Lowell National Historical Park Boundary Adjustment Act: H.R. 299, to adjust the boundary of Lowell National Historical Park; **Page H2131**

Designating a Forest Service trail at Waldo Lake in the Willamette National Forest in the State of Oregon as a national recreation trail in

honor of Jim Weaver, a former Member of the House of Representatives: H.R. 247, to designate a Forest Service trail at Waldo Lake in the Willamette National Forest in the State of Oregon as a national recreation trail in honor of Jim Weaver, a former Member of the House of Representatives; **Pages H2131–32**

Authorizing the Secretary of the Interior to conduct a study to determine the suitability and feasibility of designating the Soldiers' Memorial Military Museum located in St. Louis, Missouri, as a unit of the National Park System: H.R. 1047, to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of designating the Soldiers' Memorial Military Museum located in St. Louis, Missouri, as a unit of the National Park System; **Pages H2132–34**

Authorizing the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including the battlefields and related sites of the First and Second Battles of Newtonia, Missouri, during the Civil War as part of Wilson's Creek National Battlefield: H.R. 376, to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including the battlefields and related sites of the First and Second Battles of Newtonia, Missouri, during the Civil War as part of Wilson's Creek National Battlefield or designating the battlefields and related sites as a separate unit of the National Park System; **Pages H2123–34**

Columbia Space Shuttle Memorial Study Act: H.R. 807, to direct the Secretary of the Interior to conduct a special resource study to determine the feasibility and suitability of establishing a memorial to the Space Shuttle Columbia in the State of Texas and for its inclusion as a unit of the National Park System; and **Pages H2134–36**

Brigadier General Francis Marion Memorial Act of 2007: H.R. 497, to authorize the Marion Park Project, a committee of the Palmetto Conservation Foundation, to establish a commemorative work on Federal land in the District of Columbia, and its environs to honor Brigadier General Francis Marion, by a ⅔ yea-and-nay vote of 390 yeas with none voting "nay", Roll No. 120. **Pages H2136–37, H2138–39**

Recess: The House recessed at 3:12 p.m. and reconvened at 6:30 p.m. **Page H2137**

Quorum Calls—Votes: Two yea-and-nay votes developed during the proceedings of today and appear on pages H2138 and H2138–39. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 10:41 p.m.

Committee Meetings

FINANCIAL SERVICES AND GENERAL APPROPRIATIONS

Committee on Appropriations: Subcommittee on Financial Services and General Government held a hearing on Tax Fairness: Policy and Enforcement. Testimony was heard from the following officials of the IRS, Department of the Treasury: Kathy Petronchak, Commissioner, Small Business/Self-Employed Division; and Nina Olson, National Taxpayer Advocate; and public witnesses.

COMMITTEE MEETINGS FOR TUESDAY, MARCH 6, 2007

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold hearings to examine child nutrition and the school setting, 9:30 a.m., SH–216.

Committee on Armed Services: to hold hearings to examine the care, living conditions, and administration of outpatients at the Walter Reed Army Medical Center, 9:30 a.m., SD–106.

Committee on Commerce, Science, and Transportation: to hold oversight hearings to examine the Corporate Average Fuel Economy (CAFE) Program, 10:30 a.m., SR–253.

Committee on Foreign Relations: business meeting to consider committee rules of procedure for the 110th Congress, S. 377, to establish a United States-Poland parliamentary youth exchange program, S. 494, to endorse further enlargement of the North Atlantic Treaty Organization (NATO) and to facilitate the timely admission of new members to NATO, S. 676, to provide that the Executive Director of the Inter-American Development Bank or the Alternate Executive Director of the Inter-American Development Bank may serve on the Board of Directors of the Inter-American Foundation, S. Res. 65, condemning the murder of Turkish-Armenian journalist and human rights advocate Hrant Dink and urging the people of Turkey to honor his legacy of tolerance, and the nominations: of Ryan C. Crocker, of Washington, to be Ambassador to the Republic of Iraq, William B. Wood, of New York, to be Ambassador to the Islamic Republic of Afghanistan, and Stanley Davis Phillips, of North Carolina, to be Ambassador to the Republic of Estonia, 2:15 p.m., S–116, Capitol.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine strategies for attracting, supporting, and retaining high quality educators relating to No Child Left Behind Reauthorization, 10 a.m., SD–430.

Committee on the Judiciary: to hold hearings to examine if the Department of Justice is politicizing the hiring and firing of United States attorneys, 10 a.m., SD–226.

Committee on Veterans' Affairs: to hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the Veterans of Foreign Wars, 9:30 a.m., 345 CHOB.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on Natural Resources and Conservation Service, 10 a.m., 2362A Rayburn.

Subcommittee on Commerce, Justice, Science, and Related Agencies, on Department of Commerce Overview, 10 a.m., H–309 Capitol, and on Secretary of Commerce, 2 p.m., 2359 Rayburn.

Subcommittee on Energy and Water Development, and Related Agencies, on Secretary of Energy, 10 a.m., 2362B Rayburn.

Subcommittee on Financial Services and General Government, on Issues in the Federal Workforce, 10 a.m., 2220 Rayburn.

Subcommittee on Homeland Security, on Container Security Challenges and Goals, 10 a.m., 2212 Rayburn.

Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on NIH Director with National Cancer Institute/National Heart, Lung and Blood Institute/National Institute of Allergy and Infectious Disease/National Institute of Child Health and Human Development/National Center on Minority Health and Health Disparities, 10 a.m., 2359 Rayburn.

Subcommittee on Military Construction, Veterans' Affairs and Related Agencies, on VA Medical Care, 10 a.m., and on Department of Veterans' Affairs Panel, 1 p.m., H–143 Capitol.

Subcommittee on State, Foreign Operations and Related Programs, on Iraq Political and Reconstruction Strategy, Alternative Perspectives, 10 a.m., 2358 Rayburn.

Subcommittee on Transportation, and Housing and Urban Development and Related Agencies, on Department of Transportation Inspector General Management Challenges and GAO High Risk Series, 2 p.m., 2358 Rayburn.

Committee on Armed Services, Subcommittee on Readiness, hearing on the National Security Personnel System—Is it Working? 2 p.m., 2118 Rayburn.

Committee on the Budget, hearing on the Department of Defense and the Fiscal Year 2008 Budget, 10 a.m., 210 Cannon.

Committee on Education and Labor, hearing on Are Hidden 401(k) Fees Undermining Retirement Security? 11 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Energy and Air Quality, hearing entitled ''Carbon Capture and Sequestration: An Overview,'' 10 a.m., 2322 Rayburn.

Subcommittee on Health, hearing entitled ''Exploring Options for Improving the Medicare Physician Payment System,'' 9:30 a.m., 2123 Rayburn.

Committee on Financial Services, to consider H.R. 1227, Gulf Coast Hurricane Housing Recovery Act of 2007, 10 a.m., 2118 Rayburn.

Committee on Foreign Affairs, hearing on The Iranian Challenge, 2 p.m., 2172 Rayburn.

Subcommittee on International Organizations, Human Rights, and Oversight, hearing on Global Polling Data on Opinion of American Policies, Values and People, 10 a.m., 2172 Rayburn.

Committee on Homeland Security, hearing on a measure entitled ''Rail and Public Transportation Security Act of 2007,'' 10 a.m., 311 Cannon.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, to consider issuing subpoenas to former U.S. Attorneys Daniel Bogden, District of Nevada and Paul K. Charlton of Arizona in conjunction with the afternoon hearing, 10 a.m., and a hearing on H.R. 580, to amend chapter 35 of title 28, United States Code, to provide for a 120-day limit to the term of a United States Attorney appointed on an interim basis by the Attorney General, 2 p.m., 2141 Rayburn.

March 7, full Committee, hearing on ''Protecting the Right to Vote: Election Deception and Irregularities in Recent Federal Elections,'' 3 p.m., 2141 Rayburn.

Committee on Natural Resources, Subcommittee on Fisheries, Wildlife and Oceans, hearing on the Coral Reef Conservation Reauthorization Act of 2007, 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, Subcommittee on Information Policy, Census and National Archives, to consider the following: A Citizen's Guide on Using the Freedom of Information Act and the Privacy Act of 1974 to Request Government Records; a measure Openness Promotes Effectiveness in our National (OPEN) Government Act of 2007; and a measure Presidential Records Act Amendment of 2007, 2 p.m., 2154 Rayburn.

Committee on Rules, to consider the following: H.R. 569, Water Quality Investment Act of 2007; and H.R. 700, Healthy Communities Water Supply Act of 2007, 2:30 p.m., H–313 Capitol.

Committee on Ways and Means, Subcommittee on Health, hearing on the Medicare Payment Advisory Commission's report on the Sustainable Growth Rate, 2 p.m., 1100 Longworth.

Subcommittee on Income Security and Family Support, hearing on Recent Changes to Programs Assisting Low-Income Families, 11 a.m., B–318 Rayburn.

Permanent Select Committee on Intelligence, executive, hearing on Director of National Intelligence (DNI) and National Intelligence Program (NIP) Budget Roll-out, 2:30 p.m., H–405 Capitol.

Joint Meetings

Joint Hearing: Senate Committee on Veterans' Affairs, to hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the Veterans of Foreign Wars, 9:30 a.m., 345 CHOB.

Next Meeting of the SENATE

10 a.m., Tuesday, March 6

Senate Chamber

Program for Tuesday: After the transaction of any morning business (not to extend beyond 60 minutes), Senate will continue consideration of S. 4, Improving America's Security by Implementing Unfinished Recommendations of the 9/11 Commission Act, and the question shall recur on DeMint Amendment No. 314 at 12:00 noon.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

10:30 a.m., Tuesday, March 6

House Chamber

Program for Tuesday: Consideration of the following suspensions: (1) H. Res. 98—Honoring the life and achievements of the late Dr. John Garang de Mabior and reaffirming the continued commitment of the House of Representatives to a just and lasting peace in the Republic of the Sudan; (2) H.R. 987—NATO Freedom Consolidation Act of 2007; (3) H. Res. 149—Supporting the goals of International Women's Day; (4) H. Res. 180—Honoring the life and achievements of Leo T. McCarthy and expressing profound sorrow on his death; (5) H. Res. 162—Recognizing the contributions of the Negro baseball Leagues and their players for their achievements, dedication and sacrifices to baseball and the Nation; (6) H. Con. Res. 62—Supporting the goals and ideals of a National Children and Families Day; (7) H.R. 710—Living Kidney Organ Donation Clarification Act; (8) H.R. 584—To designate the headquarters building of the Department of Education in Washington, DC, as the Lyndon Baines Johnson Federal Building; (9) H.R. 544—To designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the ''Santiago E. Campos United States Courthouse''; (10) H.R. 399—To designate the United States Courthouse to be constructed in Jackson, Mississippi, as the ''R. Jess Brown United States Courthouse''; and (11) H. Res. 182—Commending and congratulating Virginia State University on the occasion of its 125th anniversary.

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