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House of Representatives

The House met at 10 a.m.

The Reverend Johann Arnold, Church Communities International, Rifton, New York, offered the following prayer:

Lord, we thank Thee for another day and for another chance to serve Thee and our beloved Nation.

Before Thee we are like little children who do not know how to carry out our duties. Therefore, we ask, like King Solomon, not for long life, not for wealth for ourselves, not for the death of our enemies, but for discernment to administer justice and to distinguish between right and wrong. Let us together heed the words of the Apostle John: ''If we love one another, God dwelleth in us.'' Let us hope that this spirit will become the order of the day right here in Washington.

We pray for our President, for our Madam Speaker, and for all our brothers and sisters in the House and in the Senate, for our servicemen and -women and their families. We pray for our beloved Nation. May it always be under the rulership of God. Amen.

THE JOURNAL

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

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

Mr. HINCHEY. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

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

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

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida (Mr. KLEIN) come forward and lead the House in the Pledge of Allegiance.

Mr. KLEIN of Florida led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 1129. An act to provide for the construction, operation, and maintenance of an arterial road in St. Louis County, Missouri.

The message also announced that pursuant to section 276n of title 22, United States Code, as amended, the Chair, on behalf of the President pro tempore, appoints the following Senator as Chairman of the United States-China Interparliamentary Group conference during the One Hundred Tenth Congress:

The Senator from Hawaii (Mr. INOUYE).

The message also announced that pursuant to section 276n of title 22, United States Code, as amended, the Chair, on behalf of the President pro tempore, appoints the following Senator as Vice Chairman of the United States-China Interparliamentary Group conference during the One Hundred Tenth Congress:

The Senator from Alaska (Mr. STEVENS).

The message also announced that pursuant to section 276d–276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senator as Chairman of the Senate Delegation to the Canada-United States Interparliamentary Group conference during the One Hundred Tenth Congress:

The Senator from Minnesota (Ms. KLOBUCHAR).

WELCOMING REVEREND JOHANN CHRISTOPH ARNOLD

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

Mr. HINCHEY. Madam Speaker, it is my great pleasure and honor to introduce a dear friend of mine and a very respected member of our community, Johann Christoph Arnold, for his opening prayer as the guest chaplain of the House of Representatives today.

Pastor Johann Christoph Arnold and his wife, Verena, are senior pastors of Church Communities International, an international movement that is dedicated to peace around the world. They work very diligently and very effectively with families, with individuals, with veterans, and a host of other people to bring them the kind of counseling and conciliation they need in many communities.

Pastor Arnold and his wife, Verena, are the parents of eight children and 34 grandchildren. For over 35 years as family counselors, they have advised thousands of couples in our community and in many other places here in the United States and around the world. People have come to expect sound advice from this award-winning author, whose books have sold over 350,000 copies in English and have been translated into 19 other languages.

It is a great pleasure and an honor to have Johann Christoph Arnold, his wife, Verena, and other members of

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their community here with us this morning; and I thank him very much for his opening prayer.

OPPOSING THE IRAQ FUNDING BILL

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

Mr. KUCINICH. At present, Congress has before it, for consideration in committee, an Iraq funding bill which will keep the war going perhaps through the end of President Bush's term. It would order the privatization of Iraq's oil and open the door for the President to order an attack on Iran without congressional authorization.

Democrats were brought to power not to spread war, but to stop it. The administration took us into war for oil. We should not be confirming that purpose by promoting privatization in the Iraq funding bill.

The President desires to attack Iran without Congress asserting its constitutional authority. We should be asserting our constitutional authority to restrain another administration abuse of power.

DEMOCRATIC PLAN FOR IRAQ IS RECIPE FOR FAILURE

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

Mr. WILSON of South Carolina. Mr. Speaker, Friday's The Post and Courier of Charleston, South Carolina, detailed the dire consequences of setting artificial timelines for withdrawal from Iraq. The editorial states that it would be tragic if the rug should be pulled from under U.S. forces by the U.S. Congress.

The political message coming from House Democrats threatens to throw efforts to stabilize Iraq off balance. As The Post and Courier, where I was a former reporter, concludes, General Petraeus should be given the time and forces he needs to succeed, and not a legislative recipe for failure. Democrats and Republicans should be united to remember that al Qaeda spokesman for Osama bin Laden, Zawahiri, has clearly identified that Iraq and Afghanistan are the central fronts in the global war on terrorism. Bin Laden has specifically stated, ''The most serious issue today for the whole world is this Third World War that is raging in Iraq.''

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

SUBPRIME LENDING

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

Mrs. MALONEY of New York. Mr. Speaker, in the last 2 weeks, we have seen a tsunami of foreclosures and turmoil in the subprime markets. The Federal regulators' recent joint guidance to stop issuance of loans that borrowers can't repay in full is a good first step, but lenders won't make bad loans if no one will buy them. The secondary market must stop buying the loans causing this crisis.

Freddie Mac did this voluntarily, and I am introducing legislation to require all the housing GSEs to do the same. In the interim, I call on Fannie Mae and the Federal Home Loan Banks to follow Freddie Mac and stop buying these risky loans. Both Congress and the GSEs must act to protect homeowners and stabilize the system.

BUILDING A STRONG WORKFORCE BY IMPROVING MENTAL HEALTH TREATMENT

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

Mr. TIM MURPHY of Pennsylvania. Employers spend over $26 billion per year in direct medical costs to treat depression. But the indirect costs, including lost productivity and absenteeism, increased spending by some $51.5 billion per year, but appropriate treatment for depression reduces health care costs for businesses.

The National Institutes of Mental Health reported depression treatments reduce absenteeism and save money. Plans for Federal employees where mental health coverage is included in their health care plan also saves money.

Employers and Members of Congress should review the benefits of mental health insurance coverage and note that coverage of mental health treatment can also significantly reduce public health care spending on Medicare, Medicaid and our criminal justice programs.

I would urge all my colleagues to review how businesses and the Federal Government can save money on this by reviewing my Web site at murphy.house.gov. And remember, patient-centered health care saves lives and money by emphasizing patient safety, patient quality and patient choice.

DANIA BEACH/SOLAR ENERGY

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

Mr. KLEIN of Florida. I am RON KLEIN, and I represent Florida's 22nd Congressional District in south Florida.

Today, I am honoring the city of Dania Beach, a community in southeast Florida, for investing in a $1 million solar energy system to power the city's streetlights. Not only is this an innovative and environmentally sound decision made by the city of Dania Beach, but it is also a decision that will strengthen the safety of the community.

After Hurricane Wilma struck, Dania Beach could not restore its power and the pole damage quickly enough, leaving the city streets without lighting for a lengthy period of time. With the new solar panels, the streetlights will not be dependent on electricity, and the panels will be mounted to withstand even the most fierce hurricane winds.

I applaud this sort of ground-breaking, innovative way of thinking. Alternative energy sources are the way of the future. If more communities around the country would follow Dania Beach's lead, we would leave our environment in a much better condition for our children and our grandchildren.

CAIR MEETING

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

Mr. MCHENRY. Mr. Speaker, House Democrats and the Speaker of the House arranged for a conference room in the Capitol to be used by the Council on American-Islamic Relations, or CAIR, an Islamic advocacy group which refuses to disavow terrorist groups like Hamas and Hezbollah.

CAIR officials have been charged with, and some convicted of, offenses related to the support of terrorism, including a CAIR fundraiser, Rabih Haddad, as well as a founding board member and a former CAIR civil rights coordinator.

Most notably, the CAIR fund-raiser Haddad was deported to Lebanon in 2003 after being arrested in a raid on an Islamic charity that Federal officials said, ''provided assistance to Osama bin Laden and the al Qaeda network and other known terrorist groups.''

Apparently, the Democrats live in some parallel universe where it is okay to set up a meeting in the Capitol for a group with known terrorist ties. The American people must ask about this colossal failure of judgment. With friends like these, imagine our enemies.

CONGRESS CANNOT AFFORD TO GIVE THE PRESIDENT ANOTHER BLANK CHECK ON IRAQ WAR

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

Mr. PERLMUTTER. Good morning, Mr. Speaker.

After 4 years, billions of dollars and thousands of lives, President Bush is once again asking Congress to reward failure with a blank check for the war in Iraq. Many of my Republican colleagues are more than willing to give the President anything he wants, but Democrats refuse to be a rubber stamp for the President's failed policies and, instead, want to finally require Iraqis to take control of their country. And yet the President has threatened to

veto legislation that contains his own benchmarks for success in Iraq, ensures our troops have the training they need, and fully supports both our veterans and our soldiers wounded in combat.

Our legislation also commits additional funding to fighting the forgotten war in Afghanistan. Over the last 4 years, the Bush administration has redirected funds and troops away from Afghanistan, forgetting that al Qaeda and the Taliban were the ones that attacked our Nation in 2001.

Mr. Speaker, Democrats will not allow President Bush to continue to pursue these failed policies. We will insist on a new direction.

BURMA

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

Mr. PITTS. Mr. Speaker, the U.S. has been calling for prompt action at the U.N. Security Council to address the ongoing humanitarian crisis in Burma. Unfortunately, other member nations have been slow to take up the call. One European nation even suggested recently that the world should wait for the situation in Burma to become urgent and acute before we take action.

Mr. Speaker, Burma reportedly has close to a million IDPs, internally displaced people. Isn't that urgent? Over 3,000 villages have been brutally destroyed by the military dictatorship. Isn't that an acute situation? The latest story out of Burma tells of four teenage girls brutally raped and then thrown into prison by the military rulers, more evidence of their systematic sexual violence there. Isn't that an urgent problem?

Mr. Speaker, there has been enough talk and enough delay. It is time for the world to take action and end the humanitarian crisis in Burma.

CONGRATULATING MANCHESTER WEST HIGH SCHOOL

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

Mr. HODES. Mr. Speaker, I come to the floor today to congratulate Manchester West High School in Manchester, New Hampshire, and Region 14 Applied Technology Center team from Peterborough, New Hampshire, on their victory at the regional FIRST Robotics Competition this past week in Manchester. FIRST is an acronym for For Inspiration and Recognition of Science and Technology.

This remarkable program was developed in New Hampshire and has now spread to 1,500 high schools nationwide. It encourages young people to become actively involved with engineering and technology. FIRST brings innovative companies together with kids, teaching and inspiring them to pursue careers in advanced science. The brilliant students who participate actually build robots and then enter the robots in a series of competitions against the creations of other teams.

I salute the creativity and technological savvy of the winning teams. Congratulations to Manchester West and the Region 14 team and to FIRST on its aspirational mission. FIRST is helping inspire the next generation of technology innovators which our country depends on to remain competitive in our global economy.

□ 1015

IN MEMORY OF THE SEVEN OHIOANS WHO PERISHED IN GEORGIA BUS ACCIDENT

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

Mr. JORDAN of Ohio. Mr. Speaker, I rise in solemn remembrance of seven Ohioans whose lives were cut short by a tragic bus accident on the morning of Friday, March 2, 2007, in Atlanta, Georgia. Though words cannot express the depth of their loss, we honor their memory and offer our condolences to their families, friends, teammates, and classmates of these seven individuals:

David Betts of Bryan, Ohio
Scott Harmon of Elida, Ohio
Cody Holp of Arcanum, Ohio
Jerry and Jean Niemeyer of Columbus Grove, Ohio
Tyler Williams of Lima, Ohio, and
Zack Arend of Oakwood, Ohio.

In the midst of this tragedy, I was heartened to see the selfless way these families and communities pulled together to support each other in a time of need. It reminds me of what is special about America.

I was also humbled by the outpouring of kindness from concerned families in Georgia and around the country. Just minutes after the accident, complete strangers were opening their homes to our families and offering their condolences and prayers.

While we grieve their passing, we know that they will live forever in the hearts of their loved ones and will eternally be remembered by the Bluffton University family and the people of Bluffton, Allen County and west central Ohio.

MEDICARE

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

Ms. CASTOR. Mr. Speaker, access to the highest quality health care for our seniors under Medicare is one of the most important issues facing this Congress. Unfortunately, the Bush White House has sought to undermine the great Medicare safety net by privatizing a great deal of health care under the Medicare system, turning it over to HMOs.

Just last week the former director of the Centers for Medicare and Medicaid Services from 2001 to 2003 spoke at a conference in Tampa and a reporter caught him on record saying that this privatization effort ''was done to prime the pump and to get people to go back to HMOs. But it's a much bigger subsidy than we intended.''

You see, these private plans receive about 11 percent more per beneficiary than the government spends in original Medicare. And this director said that he had meant for the subsidy to be about half that.

Mr. Speaker, we have a lot of work to do to stand up for our seniors and ensure the Medicare safety net works for everyone.

WAR SUPPLEMENTAL CONTAINS GOODIES

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

Mr. CARTER. There is talk that the $100 billion war supplemental will include an extra $20 billion in goodies. Such projects are seemingly irrelevant to the mission our soldiers are expected to carry out. For example:

$60 million for the California and Oregon salmon fishery disaster of '06;

$400 million for timber revenue program in Oregon;

$400 million in low-income home energy assistance for State grants;

$448 million unrequested funds for State children's health insurance programs, and;

a half a billion dollars for wildfire management and suppression.

Now, these are valuable projects, but they don't belong in an emergency war supplemental. They appear to be nothing more than an attempt to buy votes at the expense of our soldiers in the war on terror. The supplemental is meant to be an emergency troop funding vehicle and there is no excuse for $20 billion worth of pork in that supplemental.

Let this Congress respect our soldiers and deny this pork.

KOSOVO

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

Mr. WALZ of Minnesota. Mr. Speaker, today I rise to express my deep concern over the recent Department of Defense proposal to remove combat status from American soldiers serving in Kosovo. This summer, roughly 400 Minnesota National Guard soldiers who serve in my district will once again answer the call to duty in Kosovo. Almost every one of these 400 soldiers from my district will be going for the second or third time since September 11. In addition to the financial hardship these soldiers and their families will endure, the Department of Defense is asking them to suffer further by reclassifying this mission. Reclassification will cost American soldiers more than

just the $225 a month in hazardous duty pay, the payroll tax exemption and the flights home to see their families. We will all pay for this with the loss of morale.

Kosovo suffers from ethnic unrest. The country has unexploded ordnance and American soldiers work to defuse these daily. Mr. Speaker, Kosovo is still a dangerous place. It's revealing that the State Department's assessment is different than the Department of Defense. Foreign service officers receive hazardous duty pay.

Ensuring that this mission remains classified as a combat mission is more than about $225 a month to soldiers. It's about doing right for those who risk their lives in defense of this Nation.

''WHO GETS THE WORKER?''

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

Mr. POE. Mr. Speaker, while the flow of illegals continues to storm across our southern border, much to the joy of those who want cheap plantation labor, Mexico now wants to keep some of its workers home. President Calderon wants the United States to invest in Mexico and use Mexican workers.

Well, what does that really mean? Does that mean more U.S. foreign aid? Or have U.S. companies expand to Mexico and use those Mexican workers? Either way, Calderon expects the United States to solve his problem. Mexico alone cannot or will not take care of its economic problems, thus making their problem our problem.

Currently, Mexico exports its people to the United States to work and then have them send money back to Mexico. Mr. Speaker, if the United States invests in Mexico and more Mexican workers stay home, is there going to be a cross-border conflict over who gets the worker?

It would be ironic indeed to see the pro-amnesty cheap labor crowd in the United States encouraging illegal entry while the Mexican Government tells workers to stay home and take new jobs provided by U.S. investment.

And that's just the way it is.

BUSH ADMINISTRATION IS PLAYING POLITICS WITH U.S. ATTORNEYS OFFICE

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

Ms. WATSON. Mr. Speaker, every day the Bush White House is losing more credibility with the American people and with the Congress. Late last year the Justice Department fired eight U.S. Attorneys for purely political reasons. Last week, Attorney General Gonzales came to Capitol Hill and swore that the terminations had nothing to do with politics. But then 2 days ago we learned that these decisions were not made exclusively by the Justice Department. The political purge reached the highest levels at the White House and was actually prompted by President Bush. So much for no political involvement from the White House.

Mr. Speaker, this information would have never come out if the new Democratic Congress did not take its oversight responsibility seriously. U.S. Attorneys should be free of political pressure and that is simply not the case with the Bush White House.

We will continue to demand answers from an administration that is not too interested in working with Congress. It would be nice if they would finally learn their lesson and realize that it is time to level with both the Congress and the American people.

□ 1030

GOVERNMENT'S OBLIGATION TO AMERICA'S HEROES

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

Mr. BILIRAKIS. Mr. Speaker, I rise today to address Walter Reed and this government's obligation to America's heroes.

On Monday, I toured Walter Reed. My first impression is that one visit is not enough. I will make several more trips to the facility to speak with patients and staff about what they need and how we can best address this unacceptable situation.

Mr. Speaker, our Nation's finest deserve the finest medical care, plain and simple. This Friday, I will continue my tour of local VA facilities when I visit the James A. Haley VA Hospital in Tampa. This is one of the largest VA facilities in the country, and serves many veterans in my district.

Mr. Speaker, this is not a Democrat or Republican problem, this is America's problem and it requires a bipartisan solution. I urge my colleagues to work together to quickly address and resolve this situation.

God bless our troops and veterans. They truly are America's heroes.

WHITE HOUSE PLAYING POLITICS

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

Mr. PAYNE. Mr. Speaker, after weeks of denial from both the White House and the Department of Justice that politics played no part in the firing of eight U.S. Attorneys, the Attorney General finally admitted yesterday that there is more to the story.

It was an embarrassing and disturbing set of e-mails between the White House's political operatives and Gonzales's chief of staff that clearly revealed that there were political concerns involved in the political purge, or firing. The chief of staff resigned after e-mails were released to the New York Times and the Washington Post, but questions still remain unanswered.

What about those at the top? Is it plausible that the Attorney General was unaware of the actions of his own chief of staff? When is the President going to hold members of his Cabinet accountable for misdeeds and mistakes?

The Attorney General's office is supposed to be above politics. An independent judiciary is one of the hallmarks of this great democracy which we, as Americans, promote around the world. There is simply no place for politics at the Justice Department. But sadly, it appears that the Justice Department has become a pawn of the Republican Party.

CONGRATULATING CHANDLER AND HIGHLAND CHOIRS

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

Mr. FLAKE. Mr. Speaker, I rise today to congratulate two outstanding high school choirs from my district, the Chandler High School Chorale and the Highland High School Concert Choir. These groups were selected by competitive audition out of dozens of high schools across the country to perform on March 19, 2007, at New York's famed Carnegie Hall.

The Chandler High School Chorale from Chandler, Arizona, has already distinguished itself as one of the top high school choirs in the Nation. Led by Dean Anderson, the chorale has performed across the country and around the world over the past two decades. This is the choir's second performance in the Carnegie Hall National High School Choral Festival, a singular achievement in the festival's history.

The Highland High School Concert Choir of Gilbert, Arizona, has also secured a spot in the festival. Led by Rita Scholz, the concert choir has performed in the Arizona ACDA conference, the Arizona Music Educators Association Conference, and the 1998 MENC National Convention. The Highland High School choral music program consists of 170 students in five performing ensembles, presenting four concerts on campus per year, as well as other performances around the country.

I am honored to have two of the four schools in the Nation chosen from my district.

HALLIBURTON SLAPS TAXPAYERS IN FACE

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

Mr. DUNCAN. Mr. Speaker, Halliburton has decided to move its headquarters to Dubai. This is a company that has received over $25 billion worth

of contracts in Iraq, and this is the kind of thanks the U.S. taxpayers get. In fact, this is a real slap in the face of the U.S. taxpayers.

The ABC National News reported Sunday night that Halliburton has been charged by government inspectors of overcharging our government and overcharging our taxpayers to the tune of $2.7 billion. No company that commits those types of overcharges should ever get a Federal contract again. In fact, in my opinion, the U.S. Government should not give a contract to any company that cannot certify that over half of its employees are U.S. citizens.

APPOINTMENT OF MEMBERS TO HOUSE DEMOCRACY ASSISTANCE COMMISSION

The SPEAKER pro tempore (Mr. CARDOZA). Pursuant to section 2 of House Resolution 24, 110th Congress, and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the House Democracy Assistance Commission:

Mr. PRICE, North Carolina, Chairman
Mrs. CAPPS, California
Mr. HOLT, New Jersey
Mr. SCHIFF, California
Ms. SCHWARTZ, Pennsylvania
Mr. PAYNE, New Jersey
Mr. POMEROY, North Dakota
Mr. FARR, California
Mr. SALAZAR, Colorado
Mr. ELLISON, Minnesota
Ms. HIRONO, Hawaii

COMMUNICATION FROM HON. JOHN BOEHNER, REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 12, 2007

Hon. NANCY PELOSI,
Speaker, H–232, U.S. Capitol, Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to section 2 of House Resolution 24, 110th Congress, I am pleased to appoint the following as Members of the House Democracy Assistance Commission. All Members have expressed interest in serving in this capacity and I am pleased to fulfill their requests.

The Honorable David Dreier of California, The Honorable John Boozman of Arizona, The Honorable Jeff Fortenberry of Nebraska, The Honorable Joe Wilson of South Carolina, The Honorable Judy Biggert of Illinois, The Honorable Wayne Gilchrest of Maryland, The Honorable Jerry Weller of Illinois, The Honorable Jeff Miller of Florida, and The Honorable Bill Shuster of Pennsylvania.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

APPOINTMENT OF MEMBERS TO UNITED STATES CAPITOL PRESERVATION COMMISSION

The SPEAKER pro tempore. Pursuant to 2 U.S.C. 2081, and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the United States Capitol Preservation Commission:

Mr. OBEY, Wisconsin
Ms. KAPTUR, Ohio

COMMUNICATION FROM HON. JOHN BOEHNER, REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

HOUSE OF REPRESENTATIVES,
March 9, 2007.

Hon. NANCY PELOSI,
Speaker, Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to 2 U.S.C. 2081, I am pleased to appoint the Honorable ZACH WAMP of Tennessee to the United States Capitol Preservation Commission. Mr. WAMP expressed interest in serving in this capacity and I am pleased to fulfill his requests.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

PRESIDENTIAL LIBRARY DONATION REFORM ACT OF 2007

Mr. MURPHY of Connecticut. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1254) to amend title 44, United States Code, to require information on contributors to Presidential library fundraising organizations.

The Clerk read as follows:

H.R. 1254

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 ''Presidential Library Donation Reform Act of 2007''.

SEC. 2. PRESIDENTIAL LIBRARIES.

(a) IN GENERAL.—Section 2112 of title 44, United States Code, is amended by adding at the end the following new subsection:

''(h)(1) Any Presidential library fundraising organization shall submit on a quarterly basis, in accordance with paragraph (2), information with respect to every contributor who gave the organization a contribution or contributions (whether monetary or in-kind) totaling $200 or more for the quarterly period.

''(2) For purposes of paragraph (1)—

''(A) the entities to which information shall be submitted under that paragraph are the Administration, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate;

''(B) the dates by which information shall be submitted under that paragraph are April 15, July 15, October 15, and January 15 of each year and of the following year (for the fourth quarterly filing);

''(C) the requirement to submit information under that paragraph shall continue until the later of the following occurs:

''(i) The Archivist has accepted, taken title to, or entered into an agreement to use any land or facility for the archival depository.

''(ii) The President whose archives are contained in the depository no longer holds the Office of President and a period of four years has expired (beginning on the date the President left the Office).

''(3) In this subsection:

''(A) The term 'Presidential library fundraising organization' means an organization that is established for the purpose of raising funds for creating, maintaining, expanding, or conducting activities at—

''(i) a Presidential archival depository; or

''(ii) any facilities relating to a Presidential archival depository.

''(B) The term 'information' means the following:

''(i) The amount or value of each contribution made by a contributor referred to in paragraph (1) in the quarter covered by the submission.

''(ii) The source of each such contribution, and the address of the entity or individual that is the source of the contribution.

''(iii) If the source of such a contribution is an individual, the occupation of the individual.

''(iv) The date of each such contribution.

''(4) The Archivist shall make available to the public through the Internet (or a successor technology readily available to the public) as soon as is practicable after each quarterly filing any information that is submitted under paragraph (1). The information shall be made available without a fee or other access charge, in a searchable, sortable, and downloadable database.

''(5)(A) It shall be unlawful for any person who makes a contribution described in paragraph (1) to knowingly and willfully submit false material information or omit material information with respect to the contribution to an organization described in such paragraph.

''(B) The penalties described in section 1001 of title 18, United States Code, shall apply with respect to a violation of subparagraph (A) in the same manner as a violation described in such section.

''(6)(A) It shall be unlawful for any Presidential library fundraising organization to knowingly and willfully submit false material information or omit material information under paragraph (1).

''(B) The penalties described in section 1001 of title 18, United States Code, shall apply with respect to a violation of subparagraph (A) in the same manner as a violation described in such section.

''(7)(A) It shall be unlawful for a person to knowingly and willfully—

''(i) make a contribution described in paragraph (1) in the name of another person;

''(ii) permit his or her name to be used to effect a contribution described in paragraph (1); or

''(iii) accept a contribution described in paragraph (1) that is made by one person in the name of another person.

''(B) The penalties set forth in section 309(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(d)) shall apply to a violation of subparagraph (A) in the same manner as if such violation were a violation of section 316(b)(3) of such Act (2 U.S.C. 441b(b)(3)).

''(8) The Archivist shall promulgate regulations for the purpose of carrying out this subsection.''.

(b) APPLICABILITY.—Section 2112(h) of title 44, United States Code (as added by subsection (a))—

(1) shall apply to an organization established for the purpose of raising funds for creating, maintaining, expanding, or conducting activities at a Presidential archival depository or any facilities relating to a Presidential archival depository before, on or after the date of the enactment of this Act; and

(2) shall only apply with respect to contributions (whether monetary or in-kind) made after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. MURPHY) and the gentleman from Ohio (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut.

GENERAL LEAVE

Mr. MURPHY of Connecticut. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1254.

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

There was no objection.

Mr. MURPHY of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I walked into the Capitol today, it was sunny outside, and one of the benefits of coming from Connecticut about 100 or so miles south a few days a week is, you might get a few sunnier days this time of year. And it is important, I think, on this day that there is some sunlight outside because beginning with the bill before us today, and following with pieces of legislation to come, we are going to start once again to open up this government to the people of this country. There is a sense, I think, over time that too much in Washington, D.C., gets done in back rooms and not enough gets done in the open daylight.

Today, we begin to open, again, this government to the people of this country.

Mr. Speaker, today I rise in strong support of H.R. 1254, the Presidential Library Donation Reform Act of 2007, and I am grateful to do so through the benefit of work done before by Chairman WAXMAN, Congressman EMANUEL, by Mr. CLAY, and on the other side of the aisle, in particular, Mr. PLATTS and Mr. DUNCAN.

The legislation that they have worked on that is before us today is part of a larger effort by Congress to restore that honesty and accountability in the Federal Government. Simply put, this legislation would shine sunlight on donations to Presidential libraries.

Mr. Speaker, the Presidential library system was created by Franklin Delano Roosevelt. Roosevelt had an idea to create a repository to house his Presidential papers for the benefit of future generations of Americans; you could call it yet another successful New Deal program.

His idea was to raise private funds for the construction of a library facility, and then he turned the facility and his papers over to the Federal Government for operation by the National Archives. This model is still followed to this day.

But, like many things, Presidential libraries keep getting more expensive. They have become libraries in concept much more than in practice. They often include various facilities in addition to a repository, such as museums, conference centers, or classrooms.

The George H.W. Bush Library was reported to cost more than $80 million to build. The Clinton library and museum cost about $165 million to build. News reports have indicated that the fund-raising goal for President Bush's library and think tank in Texas is $500 million. One can only imagine how much his successor will have to raise.

The problem is that as these libraries continue to grow in size and scope, Presidential foundations need to raise more money to build them, and many of these organizations do so by selling access to the President while he is still in office while his power and celebrity are the strongest.

Under current law, there is no requirement to disclose the names of the donors and the amounts that they have donated, and there is no limit on the amount that can be donated. You don't need to be a political scientist to see the potential for abuse.

Today's bill simply requires that fund-raising organizations disclose information about their donors to Congress and the National Archives during the period of that most intense fund-raising, while the President is in office, and during the first 4 years after the end of his term.

The legislation before us, H.R. 1254, would require that all organizations established for the purpose of raising funds for Presidential libraries, or their related facilities, report on a quarterly basis all contributions of $200 or more.

Under the bill, Presidential library fund-raising organizations would be required to disclose to Congress and the Archivist the amount and date of each contribution, the name of the contributor, and if the contributor is an individual, the occupation of the contributor. The National Archives would be required to disclose this information through a free, searchable, and downloadable database.

Mr. Speaker, this is a nonpartisan problem, and what we have before us today is a nonpartisan solution. This bill does not seek to limit the amount a donor can contribute or the amount a foundation can solicit. It simply seeks to shed sunlight on the process.

Many of us came to Congress to bring government out of the back rooms and back into the open air. This bill, I believe, is an important step in that transformation; and I am honored to be able to stand on the work of colleagues who have worked on this issue over the years and to be able to present it to this body today.

Mr. Speaker, similar legislation has enjoyed overwhelming bipartisan support in the House in the past, and I urge all of my colleagues to support this legislation today.

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

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

Mr. Speaker, our Nation's Presidential libraries attract millions of visitors each year, and serve as an important resource for researchers and historians, and provide inspiration for generations.

Over time, the cost of building and maintaining these facilities has risen significantly. Presidential libraries are built with private funds, then turned over to the Archivist for operation. An endowment covers some of the cost of operating a library, usually met through the establishment of a charitable organization. Funding for construction and the endowment come from private sources. Under current law, there is no requirement to disclose the source of these contributions.

There is a great deal of interest in enhancing disclosure on both sides of the aisle. Under the leadership of the gentleman from Tennessee (Mr. DUNCAN), a Republican, Congress passed bipartisan legislation to require the disclosure of contributions to organizations that raise funds for Presidential libraries and related facilities.

□ 1045

His bill, H.R. 577, from the 107th Congress passed the House with strong bipartisan support by a vote of 392–3. When we consider enhanced disclosure, it is important to treat everyone equally. We need a sensible, even-handed approach to disclosure, one that applies equally to Democrats and Republicans.

The gentleman from Tennessee has had the right approach, one that was supported by the gentleman from California (Mr. WAXMAN) and many others across the aisle. I think it is of utmost importance that we avoid any temptation to politicize this important issue.

An amendment offered in committee would add the reasonable step of applying the disclosure steps of this legislation to Presidents elected after the enactment of this act. It is my hope that we can take politics out of disclosure, which is an important issue.

I also commend the Chair of our subcommittee, Mr. CLAY, for his leadership on our subcommittee and in this bill.

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

Mr. MURPHY of Connecticut. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. WAXMAN), the distinguished chairman of the Government Oversight and Reform Committee.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman from Connecticut for yielding to me and for managing this

legislation. It will be the first of a number of bills that we think are important for openness, transparency, accountability and sunshine in government.

This particular legislation has strong bipartisan support. The gentleman from Tennessee (Mr. DUNCAN) introduced it originally several years ago, and we are building on his proposal. It is a wise proposal because it would provide for disclosure of contributions that are made for Presidential libraries.

There is nothing wrong with contributing to Presidential libraries, but at the present time contributions to Presidential libraries can be of any amount, from my source, and they need not be disclosed. This is a loophole that calls for abuse. Whether it is real or perceived, we should not have special interest groups making contributions to a Presidential library with the expectation that they may receive something in return. We should not allow foreign governments even to contribute to Presidential libraries.

This legislation would require disclosure of contributions that are made to Presidential libraries and their affiliates.

It is interesting to see that in recent years Presidential libraries and their affiliated institutions have grown and become increasingly expensive. It cost more than $80 million, although I even think that is a lot of money, but that was what it cost to build the George H.W. Bush Library. President Clinton went and doubled that amount, and it took $165 million to build his library. There are recent reports suggesting that the projected fund-raising target for this President Bush's target library is $500 million.

I think that we ought to have disclosure, as do my colleagues on the other side of the aisle. It is time for openness and sunshine in the area of these contributions, and I strongly support it.

I want to commend all of the people who have been involved in this legislation, the chairman of the subcommittee, Mr. CLAY; the ranking member, Mr. TURNER, and all of those involved.

Mr. TURNER. Mr. Speaker, I yield as much time as he may consume to my distinguished colleague from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I want to first thank the gentleman from Ohio for yielding me this time and for his work on this legislation and his kind comments from a few minutes ago, and I want to thank the gentleman from Connecticut who is managing the bill today. Especially I want to thank Chairman WAXMAN because this bill, while it has been mentioned that we passed this once before in an earlier Congress, it would not be on the floor today if it were not for the support of Chairman WAXMAN, and I do appreciate that very much.

As has already been mentioned, I introduced this bill several years ago, and in fact it was the 106th Congress when I first introduced this because I learned that some foreign governments from the Middle East were making very large contributions to the proposed library for President Clinton, and I was concerned that could lead to undue influence on the part of not only foreign governments but perhaps others.

Many months later after I introduced this bill, I learned that Marc Rich's ex-wife, and one of his closest friends, had made very large contributions to the Clinton library, and then President Clinton, on his last day in office, granted a pardon to Mr. Rich who had fled the country after evading $40 million in income taxes.

I can tell you this, in my mind, is not a partisan bill. I introduced this under a Democratic President. I reintroduced it in the 107th Congress under a Republican President. As has been noted by the gentleman from Ohio, this bill passed the House by a vote of 392–3. There was not enough interest in the Senate at that time, and so we are back here today to try to pass this bill this time to bring as, has already been said, some openness, some transparency, to shed some light on these contributions and on what would be a real potential for abuse under either a Democratic or Republican President in the future.

As Chairman WAXMAN and others have said, the price tag on these Presidential libraries has escalated just in a few years' time from $80 million to $500 million projected for this President's library, and no telling where those libraries might go in the future in regard to costs.

This bill does not prohibit any contributions. It allows even very, very large contributions. All it does is require reporting, quarterly reporting.

My original bill has been made stronger by the suggestions, by the actions by Chairman WAXMAN, and I support this bill. I think it is a good government bill, and I think it is one that all of our colleagues can be proud in supporting. It will certainly help to prevent some real serious potentials for abuse in the years ahead if we pass this legislation.

So I appreciate the support of everyone who has spoken here today, and I urge the support of all of my colleagues.

Mr. MURPHY of Connecticut. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. CLAY), the distinguished chairman of the subcommittee.

Mr. CLAY. Mr. Speaker, I thank the gentleman from Connecticut for yielding and managing this bill. I want to also thank the gentleman from Tennessee for his leadership on this subject. I rise in strong support of H.R. 1254 and urge my colleagues to vote in favor of it.

Mr. Speaker, Federal election laws limit the amount a single source can give to a political campaign. It requires that donations and donor information must be disclosed to the public. These requirements help to preserve the integrity of our democratic system by ensuring that campaign donors do not exercise undue influence over elected policy-makers.

Similar requirements do not apply to Presidential library fund-raising campaigns, and this creates the potential for large donors to exert or appear to exert improper influence over a sitting President.

The fact that private foundations are required to raise money to build and maintain Presidential libraries lowers the burden on taxpayers, but it also increases the incentive for sitting Presidents to pursue aggressive fund-raising for libraries that have become more and more expensive over the years.

Under H.R. 1254, the Presidential Library Foundation would be required to report on a quarterly basis all donations of $200 or more. This requirement would apply to donations made to the foundation during the time that the President is in office and during the period before the Archives agrees to use the land or facility.

In addition, the proposal calls on the Archivist to make all reports available to the public online through a searchable and downloadable database.

In 2000, during the last days of the Clinton Presidency, the House passed similar legislation by an overwhelming bipartisan vote. A similar provision was included in legislation introduced last year by then-Minority Leader PELOSI but it did not move.

Mr. Speaker, the time has passed for the Congress and the President to enact these requirements into law. This is not a partisan issue. It is an issue of concern to all Americans who care about government, integrity and transparency.

I commend Mr. WAXMAN, my fellow original cosponsors, Mr. DUNCAN, Mr. PLATTS and Mr. EMANUEL, for their leadership on this issue and urge all of my colleagues to support this important bipartisan bill.

Mr. TURNER. Mr. Speaker, I have no other speakers at this moment and reserve the balance of my time.

Mr. MURPHY of Connecticut. Mr. Speaker, I yield 3 minutes to my friend, the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, I would like to thank my colleague from Connecticut and colleagues from California and Missouri and my other colleagues for their leadership on this legislation.

It is an important part of this legislation, like the other legislation we are doing on whistleblowers and protection for whistleblowers, as well as the no-bid contracts.

If you look at the Presidential library and the other two pieces of legislation, they all have a common meaning, to ensure that the public trust is protected from being bent for the private interest.

What we mean here is that, in making sure in the period of time in which

a President of the United States is raising money for their library, that at no time will their actions, or public actions, be influenced by those who are willing to support their library. In the same way that we are trying to make sure later this week when we vote on the no-bid contracts, that in no way should those contracts be renewed automatically for those who have gotten their business, no-bid contracts, and somehow had the influence to get that legislation, and the whistleblower legislation, all attempted to protect the public trust.

President Bush plans on raising about $500 million for his Presidential library. President Clinton's library has cost about $165 million, and President Bush's, the 41st President, library cost approximately $80 million, slightly more than that, and there are no questions asked about where the money comes from.

We do not know who is raising these funds, who is donating them, and if the donors are looking for any other favors in return. This process is overdue for sunlight, and we are reforming that practice here today.

I am proud to have worked with Congressman WAXMAN, Congressman CLAY, Congressman PLATTS, and Congressman DUNCAN in drafting this bill, which would require the disclosure of any contribution of $200 and above for a Presidential library. This information will be available online so that every American can see who is sending money to the Oval Office.

Mr. Speaker, change is good. Last November, the American people voted for change and that is exactly what we are doing this week and this year. We are changing the way business is done in Washington and restoring integrity to government.

In the first weeks, when we were here, we initiated change on banning gifts, banning meals by lobbyists, making sure earmarks had reform, and this is part of that step-by-step process. You will not change the ways of Washington overnight, but you must have a dedicated step-by-step process to bring reform to the way business is done in Washington. This is an important step, as will be the whistleblower protection we take on today and vote on, and the no-bid contracts for those who are trying to enact contracting reform in the areas of Iraq, Katrina and other places.

As you just saw last week, the taxpayers are getting back only 40 cents on the dollar for the trailers they built for the protection of hurricane victims because we did not use it. We have got to reform the way Washington does work, and this is an important piece of legislation in doing that as part of our overall process.

I thank all my colleagues for their work on this legislation.

Mr. TURNER. Mr. Speaker, I do not have any other speakers for the moment, and I reserve the balance of my time.

□ 1100

Mr. MURPHY of Connecticut. Mr. Speaker, I yield myself so much time as I may consume.

I want to thank both sides of the aisle, Mr. DUNCAN, Mr. WAXMAN and Mr. CLAY, who have done such great work on this issue. They have constructed a bill which will allow the development of these facilities to move forward in an expeditious manner, but done so in a way that gives people faith in that process.

So much of our ability to build and rebuild faith in this government is connected to whether or not people believe that things we do here are done in the open light of day. Today is going to be a very good day to restore part of people's faith in this government, and this bill is an important first step.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of the public's right to know. I rise in support of H.R. 1254, the "Presidential Library Donations Reform Act of 2007," which requires the disclosure of donors to presidential libraries.

Mr. Speaker, Presidential libraries are built using private funds raised by an organization or foundation working on behalf of the President. It costs a lot of money to construct and endow a Presidential library. The first Presidential library, housing the papers of Franklin D. Roosevelt, cost less than $400,000 to build, about $5 million adjusted for inflation. But since that time, Presidential libraries have grown more and more ambitious and costly. The $26 million Carter library was succeeded by the $57 million Reagan library, followed in turn by the $83 million library complex for former President George H.W. Bush, and the $165 million Clinton library complex. George W. Bush's Presidential library complex may cost as much as $500 million.

To erect these major complexes is going to take more than the $25 to $50 donations that built Harry Truman's modest Presidential library. Donations from individual donors can and have amounted to several million dollars. Under current law, Presidents may raise unlimited funds for their libraries while in office, which raises concerns about conflicts of interest, corruption or the appearance of corruption. This is because donations for the Presidential library can be unlimited in size but are not required to be disclosed.

Mr. Speaker, H.R. 1254 greatly enhances the public's access to information because it requires that contribution information be made available in a timely manner on the Internet in a searchable, sortable, downloadable database, without any fee or access charges. This proposal would ensure, for the first time, the public knows the source of contributions to the Presidential libraries intended to serve them.

Typically, fundraising to construct a Presidential library is done through a nonprofit foundation or group, which is free to seek donations from corporations, individuals, even foreign nationals and foreign governments. Sitting presidents may be actively involved in soliciting these contributions. And there is no limit on the size of the donations, and no requirement that they be disclosed.

Mr. Speaker, a Presidential library complex has become one of the vehicles for Presidents to shape and perpetuate their legacy. They also provide a platform for Presidents to continue work on issues they care about. But if sitting Presidents are raising money in undisclosed, unlimited amounts for projects in which they are personally invested, wealthy special interests have unprecedented opportunities to seek access and influence at the White House and evade all public scrutiny. At the very least, the public deserves to know the amount of donations, the names, addresses and occupations of the donors, and the dates donations were made.

H.R. 1254 requires that all organizations established for the purpose of raising funds for Presidential libraries or their related facilities report on a quarterly basis all contributions of $200 or more.

Under H.R. 1254, organizations fundraising for Presidential libraries would be required to disclose their donations while the President is in office and during the period before the Federal government has taken possession of the library. The bill sets a minimum reporting period of 4 years after the end of a President's term.

The bill injects sunshine in government by making public information about donations to presidential libraries made during the term of the president in question. Under the bill, presidential library fundraising organizations would be required to disclose to Congress and the Archivist the amount and date of each contribution, the name of the contributor, and if the contributor is an individual, the occupation of the contributor. As noted previously, the National Archives would be required to make the information available to the public through a free, searchable, and downloadable database on the Internet.

For all of these reasons, Mr. Speaker, I strongly support H.R. 1254. As Justice Brandeis famously observed, "sunshine is the best disinfectant." I urge all my colleagues to join me in supporting this important and necessary legislation.

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

Mr. TURNER. Mr. Speaker, I want to congratulate, again, Mr. DUNCAN of Tennessee, and urge all Members to support the passage of H.R. 1254.

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 Connecticut (Mr. MURPHY) that the House suspend the rules and pass the bill, H.R. 1254.

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. MURPHY of Connecticut. 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.

PRESIDENTIAL RECORDS ACT AMENDMENTS OF 2007

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1255) to amend chapter 22 of title

44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records, as amended.

The Clerk read as follows:

H.R. 1255

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 ''Presidential Records Act Amendments of 2007''.

SEC. 2. PROCEDURES FOR CONSIDERATION OF CLAIMS OF CONSTITUTIONALLY BASED PRIVILEGE AGAINST DISCLOSURE.

(a) IN GENERAL.—Chapter 22 of title 44, United States Code, is amended by adding at the end the following:

''§ 2208. Claims of constitutionally based privilege against disclosure

''(a)(1) When the Archivist determines under this chapter to make available to the public any Presidential record that has not previously been made available to the public, the Archivist shall—

''(A) promptly provide notice of such determination to—

''(i) the former President during whose term of office the record was created; and

''(ii) the incumbent President; and

''(B) make the notice available to the public.

''(2) The notice under paragraph (1)—

''(A) shall be in writing; and

''(B) shall include such information as may be prescribed in regulations issued by the Archivist.

''(3)(A) Upon the expiration of the 20-day period (excepting Saturdays, Sundays, and legal public holidays) beginning on the date the Archivist provides notice under paragraph (1)(A), the Archivist shall make available to the public the record covered by the notice, except any record (or reasonably segregable part of a record) with respect to which the Archivist receives from a former President or the incumbent President notification of a claim of constitutionally based privilege against disclosure under subsection (b).

''(B) A former President or the incumbent President may extend the period under subparagraph (A) once for not more than 20 additional days (excepting Saturdays, Sundays, and legal public holidays) by filing with the Archivist a statement that such an extension is necessary to allow an adequate review of the record.

''(C) Notwithstanding subparagraphs (A) and (B), if the period under subparagraph (A), or any extension of that period under subparagraph (B), would otherwise expire after January 19 and before July 20 of the year in which the incumbent President first takes office, then such period or extension, respectively, shall expire on July 20 of that year.

''(b)(1) For purposes of this section, any claim of constitutionally based privilege against disclosure must be asserted personally by a former President or the incumbent President, as applicable.

''(2) A former President or the incumbent President shall notify the Archivist, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate of a privilege claim under paragraph (1) on the same day that the claim is asserted under paragraph (1).

''(c)(1) The Archivist shall not make publicly available a Presidential record that is subject to a privilege claim asserted by a former President until the expiration of the 20-day period (excluding Saturdays, Sundays, and legal public holidays) beginning on the date the Archivist is notified of the claim.

''(2) Upon the expiration of such period the Archivist shall make the record publicly available unless otherwise directed by a court order in an action initiated by the former President under section 2204(e).

''(d)(1) The Archivist shall not make publicly available a Presidential record that is subject to a privilege claim asserted by the incumbent President unless—

''(A) the incumbent President withdraws the privilege claim; or

''(B) the Archivist is otherwise directed by a final court order that is not subject to appeal.

''(2) This subsection shall not apply with respect to any Presidential record required to be made available under section 2205(2)(A) or (C).

''(e) The Archivist shall adjust any otherwise applicable time period under this section as necessary to comply with the return date of any congressional subpoena, judicial subpoena, or judicial process.''.

(b) RESTRICTIONS.—Section 2204 of title 44, United States Code (relating to restrictions on access to presidential records) is amended by adding at the end the following new subsection:

''(f) The Archivist shall not make available any original presidential records to any individual claiming access to any presidential record as a designated representative under section 2205(3) if that individual has been convicted of a crime relating to the review, retention, removal, or destruction of records of the Archives.''.

(c) CONFORMING AMENDMENTS.—(1) Section 2204(d) of title 44, United States Code, is amended by inserting '', except section 2208,'' after ''chapter''.

(2) Section 2207 of title 44, United States Code, is amended in the second sentence by inserting '', except section 2208,'' after ''chapter''.

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 22 of title 44, United States Code, is amended by adding at the end the following:

''2208. Claims of constitutionally based privilege against disclosure.''.

SEC. 3. EXECUTIVE ORDER OF NOVEMBER 1, 2001.

Executive Order number 13233, dated November 1, 2001 (66 Fed. Reg. 56025), shall have no force or effect.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Ohio (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

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

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

There was no objection.

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

As chairman of the Oversight Subcommittee on Information Policy, Census, and National Archives and an original cosponsor of the Presidential Records Act Amendments of 2007, I strongly support H.R. 1255 and urge its passage by the House. It is appropriate that the House should consider H.R. 1255 during Sunshine Week, when we can call attention to the importance of transparency and open government.

Introduced by Representative WAXMAN, this bipartisan bill is intended to promote the timely release of Presidential records under the Presidential Records Act of 1978, by rescinding Executive Order 13233. Issued by President Bush in November 2001, the executive order granted new authority to Presidents, former Presidents, their heirs and designees and Vice Presidents, allowing them to withhold information from public view unilaterally and indefinitely.

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

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

When it comes to the records of a President, we need to ensure that the public's interest remains paramount. As I noted in the subcommittee, it is important that we distinguish the Nation's interest from that of a former President's interest. We need to achieve that critical balance between the President's constitutional privilege and the public's right to know.

The bill is one step toward preserving and protecting the constitutional prerogatives of Presidents while preserving public access to important and historic Presidential records. The legislation before us established a process whereby incumbent and former Presidents could, within specified time limits, review records prior to their release and determine whether to assert constitutional privilege claims against release of the records.

This legislation is identical to H.R. 4187, introduced in the 107th Congress and approved by the committee under the leadership of the gentleman from Indiana (Mr. BURTON). I want to commend him for his work in this area.

In addition, I want to highlight an amendment which was approved by the full committee. This provision will close a loophole in the Presidential Records Act which would have allowed individuals previously convicted of a crime relating to the mishandling of Archives records to continue to have special access to Presidential records. The amendment to the bill states that the Archivist shall not make available any Presidential records to any individual claiming access as a designated representative under section 2205(3) of title 44 if that individual has been convicted of a crime relating to the review, retention, removal or destruction of Archives records.

If you are convicted of mishandling Archives records, you should not have special access to original Presidential records. You are a proven risk, and we are obligated to mitigate this type of risk. Given the critical importance of Presidential records to the public, to researchers and to the press, we must ensure no one is able to tamper with history. This bill today includes this important amendment.

I also want to commend the Chair of our subcommittee, Mr. CLAY, for his leadership on the subcommittee, and his thoughtful hearings held by the subcommittee in support of this bill.

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

Mr. CLAY. Mr. Speaker, at this time I now yield 3 minutes to the distinguished Chair of the full Committee on Oversight and Government Reform, the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. I thank the chairman of the subcommittee for yielding to me and the fine work he and his subcommittee have done with this legislation. I also want to commend the gentleman from Ohio, the ranking member of that subcommittee.

Mr. Speaker, this bill also builds on a bipartisan proposal that came to light in the last Congress, and I think it fits well within the theme of many of the bills that we are pursuing this week, openness in government.

The bill has a straightforward goal. It ensures that future historians have access to Presidential records as the Presidential Records Act intended.

This law was adopted after the Watergate scandals to underscore the fact that Presidential records belong to the American people, not to the President, not to his family, but to the American people. It has been a bipartisan proposal from the very beginning. In fact, this bill had bipartisan support not only from Mr. CLAY and others, but Mr. PLATTS and Mr. BURTON.

The act said that these records would be available to researchers and the general public in a timely manner. This was the rule for over two decades, but in 2001, President George W. Bush issued an executive order that turned the Presidential Records Act on its head and gave Presidents the authority to keep their records out of the public eye.

The Bush order gives both current and former Presidents nearly unlimited authority to withhold Presidential records from public view or to delay their release indefinitely. It allows a designee of former Presidents to assert executive privilege after the President's death, and for the first time, it gives former Vice Presidents the authority to assert privilege over their own documents. In short, this gives former Presidents and their heirs the ability to control their legacy and determine what information will be available to history.

That undermines the entire purpose of the Presidential Records Act. Historians and scholars need access to Presidential records so that there is an accurate record of a President's term in office and not an alleged version based on what the President chooses to share.

During Sunshine Week this bill fits in so well, because it would make sure that information about government and government activities is open to public scrutiny. It is an essential component of this open government agenda.

I urge my colleagues to support this legislation, protect historical research, and vote for this bill.

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

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

Mr. Speaker, during subcommittee hearings last week, the Archivist of the United States, Allen Weinstein, testified that Executive Order 13233 has ''added to the endemic problem of delay that NARA faces from the PRA in the processing of Presidential records.''

Tom Blanton of the National Security Archive testified that the order already has added 5 years to the response time for records from the Reagan library and violates the letter and spirit of the PRA.

Presidential historian Robert Dallek urged Congress to rescind the order, stating, ''President Bush's order carries the potential for an incomplete and distorted understanding of past Presidential decisions, especially about controversial actions with significant consequences.''

''It is understandable,'' said Dr. Dallek, ''that every President and his heirs wants to put the best possible face on his administration, but an uncritical or limited reconstruction of our Nation's history does nothing to serve its long-term national interest.''

Mr. Speaker, the long-term national interest demands that the American people know how and why important decisions are made at the highest level of our government. This straightforward and bipartisan legislation would ensure that this will be the case by requiring that Presidential records will be treated as the property of the American people.

Mr. Speaker, I urge all of my colleagues to support the bill as reported by the Committee on Oversight and Government Reform.

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

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

Mr. CLAY. Mr. Speaker, I yield such time as the gentleman from California (Mr. WAXMAN) may consume.

Mr. WAXMAN. Thank you very much for yielding to me.

Mr. Speaker, history is important because it informs us of events of the past, so we can learn from those events, not to make the same mistakes or to follow good examples that turned out to be successful. History always is an ongoing process. It is a process of looking at facts and reinterpreting those facts, often in light of current events and matters that are before the researchers at the present time.

But there are those who would like to rewrite history for their own purposes, and to the extent that we can keep that from happening, I think this bill goes a long way. It would allow the records, the raw information, to be available, let those who want to interpret those events do so as they see fit; and in doing so, by making these records available to scholars and the public, we can find out the information that we didn't know at the time the events were taking place: what motivated certain decisions, what other factors were being considered, what was going on that led to certain conclusions.

There are books now being written about the present day, how we got into Iraq, what we had hoped to do, what we still hope we can accomplish, what the thinking was of those who led us into the adventure. Many of the books have been praiseworthy, and most of them have been quite critical. But it won't be until the judgment of history that we will be able to fill in many of the gaps that remain.

So, at some point, Presidential records help scholars fill in those gaps. That is why I think it is so worthwhile to have this information available, at least at a time when there is some historical perspective. Many times it is after the President has passed on, but certainly long after the President's administration.

During the Nixon period, President Nixon thought that the records belonged to him, and he sought, as I recall, a tax break for donating his records to a nonprofit organization. He felt he could control those records.

Well, I think the American people looked at that and said, wait a minute, some things are his, the President's, to do with as he sees fit, but some things don't really belong to him.

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They belong to the American people. They belong to scholars. They belong to history. And the Presidential Records Act was adopted because of that concern. It has worked well for several decades, and it is only when we saw the executive order presented by President George W. Bush that some of the concerns have been raised because that Presidential order overturned the one that was put into effect by President Reagan implementing the post-Watergate legislation.

So I wanted to use this additional time to give some historical background to this matter. We heard from many scholars, as the chairman of the subcommittee indicated, who set out the reasons why they thought it was important to be able to get this information, the Archivist, Mr. Weinstein, Presidential scholars like Mr. Dallek and Mr. Reeves, particularly, who have written about recent Presidents, urged us to adopt this legislation. And I am pleased that now we are considering it. And it is important, it is a good government bill, and we are doing it in the appropriate way, in a bipartisan spirit where we vote together on the committee. And I commend all those involved. And I know now, because I have just been informed, that the next bill is ready for consideration of the House.

Mr. CLAY. Mr. Speaker, I want to thank the chairman of our committee for those anecdotes and his knowledge of history.

I also want to thank the ranking member from Ohio for his cooperative spirit of allowing the sunshine in on this bill and the other bills that we have been discussing today.

And I just want to close by urging all of my colleagues to vote in support of H.R. 1255, the Presidential Records Act Amendments of 2007.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 1255, the "Presidential Records Act Amendments of 2007," which vitiates an Executive order issued in 2001 by President Bush that unreasonably and severely restricts public access to Presidential records. By negating that Executive order, we win a great victory for open government.

Under the Presidential Records Act, Presidential records are supposed to be released to historians and the public 12 years after the end of a Presidential administration. Shortly after taking office in 2001, President Bush issued Executive Order 13233, which overturned President Reagan's Executive order and gave current and former Presidents and Vice Presidents broad authority to withhold Presidential records or delay their release indefinitely. H.R. 1255 will nullify the Bush Executive order and establish procedures to ensure the timely release of Presidential records.

Under the Bush Executive order, the Archivist of the United States must wait for both the current and former President to approve the release of Presidential records, a review process that can continue indefinitely. Under the bill, the current and former President would have a set time period of no longer than 40 business days to raise objections to the release of these records by the Archivist.

Mr. Speaker, another salutary feature of H.R. 1255 is that it limits the authority of former Presidents to withhold Presidential records. To prevent the release of his records under the regime established by President Reagan's Executive order, a former President was required to request the incumbent President to assert the claim of executive privilege. If the incumbent President decided not to assert executive privilege, however, the records would be released unless the former President succeeded in obtaining a court order upholding the assertion of privilege and enjoining disclosure.

The regime established by President Bush's Executive order turned this process on its head. It requires the incumbent President to sustain the executive privilege claim of the former President unless a person seeking access could persuade a court to reject the claim. In effect, the Bush order gave former Presidents virtually unlimited authority to withhold Presidential records through assertions of executive privilege. H.R. 1255 restores the Reagan approach, giving the incumbent President the discretion to reject ill-founded assertions of executive privilege by former Presidents.

Mr. Speaker, under President Bush's Executive order regime, claims of executive privilege could be asserted to defeat disclosure even after the death of a former President by his heirs, assigns, and descendants. The practical effect of eliminating the requirement that the former President had to assert the privilege personally is to extend the time in which Presidential records may be withheld in perpetuity. H.R. 1255 makes clear that the right to claim executive privilege is personal to current and former Presidents and does not survive the death of the former President.

Mr. Speaker, perhaps the most egregious aspect of President Bush's Executive order is that it authorized former Vice Presidents to assert executive privilege claims over Vice Presidential records. If the authority to assert such a claim is left undisturbed, the public will never learn what really went on behind the closed doors of Vice President CHENEY's secret energy task force or the White House Iraq Group's marketing campaign to sell the Iraq War to the Congress and the American people. That is why I support the provision in H.R. 1255 limiting the right to assert executive privilege over Presidential records only to Presidents and former Presidents.

Mr. Speaker, I strongly support H.R. 1255 and urge all my colleagues to join me in supporting this legislation amending the Presidential Records Act to nullify the Bush Executive order and establish procedures to ensure the timely public release of Presidential records.

Mr. UDALL of Colorado. Mr. Speaker, as a proud cosponsor of this bill—and of similar legislation since shortly after I was first elected to Congress—I strongly support its approval by the House.

The bill amends the Presidential Records Act of 1978 to establish a clear and equitable process enabling incumbent and former Presidents to review records prior to their public release under the act and determine whether to assert constitutional privilege claims against release of the records.

Importantly, it would revoke an Executive order issued by President George W. Bush in 2001 that overturned rules set by President Ronald Reagan. By that order, President Bush has sought to give himself and Vice President CHENEY—as well as former Presidents and Vice Presidents—broad authority to withhold Presidential records or delay their release indefinitely. I do not think that order should be allowed to stand.

The Presidential Records Act was enacted in 1978 after the Watergate scandal and the subsequent resignation of President Nixon. It makes clear that Presidential records belong to the American people, not to the President, and required the Archivist of the United States—who was given custody of the records—to make the records available to the public as rapidly and completely as possible consistent with the provisions of the law.

The act first applied to the records of former President Ronald Reagan. In 1989, he issued an Executive order requiring the Archivist to give the incumbent and former Presidents 30 days notice before releasing Presidential records, with the records to be released after that unless the incumbent or former President claimed executive privilege, or unless the incumbent President instructed the Archivist to extend the period indefinitely. If the incumbent President decided to invoke executive privilege, the Archivist would withhold the records unless directed to release them by a final court order. If the incumbent President decided not to support a former President's claim of privilege, the Archivist would decide whether or not to honor the claim.

Before he left office, President Reagan used his authority under the act to restrict access to some of his records for 12 years, a period that expired in January 2001.

In February 2001, the Archivist provided the required 30-day notice of his intent to release about 68,000 pages of former President Reagan's records. In March, June, and August of 2001, the counsel to President Bush instructed the Archivist to extend the time for claiming executive privilege. And then, in November 2001, President Bush issued a new Executive order extending the review period for former Presidents to 90 days and allowing a former President to extend it indefinitely. In addition, that order allows an unlimited review period for the current President and requires the Archives to honor the assertions of executive privilege made by either the incumbent or a former President—even if an incumbent President disagrees with the former President's claim. And, while the Reagan order said records were to be released on a schedule unless action occurred, the Bush Executive order says records will be released only after actions by the former and current Presidents have occurred—so, secrecy, not disclosure, is the rule. Also, the Bush Executive order allows designees of a former President to assert privilege claims after that President's death and authorizes former vice Presidents to assert executive privilege claims over their records.

Mr. Speaker, when we think what difference the release of the Kennedy, Johnson, and Nixon tapes has made in our understanding of the decision-making on Vietnam we can see how much could be lost if representatives of the Reagan, Clinton, and current Bush administrations in the future can hold back any and all documents related to Iran-contra, the first gulf war, the way the Clinton administration responded to intelligence about a potential Al Qaeda attack, or the current administration's decisions about Iraq.

It is understandable that every President and his or her heirs wants to put the best possible face on his administration, but an edited and airbrushed version of history is not something that will serve our long-term national interest.

H.R. 1255 would nullify Executive Order 13233 and establish procedures to ensure the timely release of Presidential records.

It requires the Archivist to give advance notice to former and incumbent Presidents before records are released so they can review the records and decide whether to claim privilege and provides for withholding of material for which the incumbent President claims privilege. The bill also clarifies that the incumbent and former Presidents must make privilege claims personally and that a right to claim executive privilege cannot be bequeathed to assistants, relatives, or descendants. And the bill eliminates executive privilege claims for vice Presidents, restoring the long-standing doctrine that the right to executive privilege over Presidential records is held only by Presidents.

Mr. Speaker, this is a fair, balanced, and essential bill. I strongly urge its approval.

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

Mr. TURNER. Mr. Speaker, I urge all Members to vote in support of passage of H.R. 1255, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 1255, as amended.

The question was taken.

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

Mr. CLAY. 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.

FREEDOM OF INFORMATION ACT AMENDMENTS OF 2007

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1309) 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, as amended.

The Clerk read as follows:

H.R. 1309

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Freedom of Information Act Amendments of 2007''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Protection of fee status for news media.
Sec. 4. Recovery of attorney fees and litigation costs.
Sec. 5. Disciplinary actions for arbitrary and capricious rejections of requests.
Sec. 6. Time limits for agencies to act on requests.
Sec. 7. Individualized tracking numbers for requests and status information.
Sec. 8. Specific citations in exemptions.
Sec. 9. Reporting requirements.
Sec. 10. Openness of agency records maintained by a private entity.
Sec. 11. Office of Government Information Services.
Sec. 12. Accessibility of critical infrastructure information.
Sec. 13. Report on personnel policies related to FOIA.
Sec. 14. Promotion of public disclosure.
Sec. 15. Requirement to describe exemptions authorizing deletions of material provided under FOIA.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Freedom of Information Act was signed into law on July 4, 1966, because the American people believe that—

(A) our constitutional democracy, our system of self-government, and our commitment to popular sovereignty depends upon the consent of the governed;

(B) such consent is not meaningful unless it is informed consent; and

(C) as Justice Black noted in his concurring opinion in Barr v. Matteo (360 U.S. 564 (1959)), ''The effective functioning of a free government like ours depends largely on the force of an informed public opinion. This calls for the widest possible understanding of the quality of government service rendered by all elective or appointed public officials or employees.'';

(2) the American people firmly believe that our system of government must itself be governed by a presumption of openness;

(3) the Freedom of Information Act establishes a ''strong presumption in favor of disclosure'' as noted by the United States Supreme Court in United States Department of State v. Ray (502 U.S. 164 (1991)), a presumption that applies to all agencies governed by that Act;

(4) ''disclosure, not secrecy, is the dominant objective of the Act,'' as noted by the United States Supreme Court in Department of Air Force v. Rose (425 U.S. 352 (1976));

(5) in practice, the Freedom of Information Act has not always lived up to the ideals of that Act; and

(6) Congress should regularly review section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), in order to determine whether further changes and improvements are necessary to ensure that the Government remains open and accessible to the American people and is always based not upon the ''need to know'' but upon the fundamental ''right to know''.

SEC. 3. PROTECTION OF FEE STATUS FOR NEWS MEDIA.

Section 552(a)(4)(A)(ii) of title 5, United States Code, is amended by adding at the end the following:

''In making a determination of a representative of the news media under subclause (II), an agency may not deny that status solely on the basis of the absence of institutional associations of the requester, but shall consider the prior publication history of the requester. Prior publication history shall include books, magazine and newspaper articles, newsletters, television and radio broadcasts, and Internet publications. If the requestor has no prior publication history or current affiliation, the agency shall consider the requestor's stated intent at the time the request is made to distribute information to a reasonably broad audience.''.

SEC. 4. RECOVERY OF ATTORNEY FEES AND LITIGATION COSTS.

(a) IN GENERAL.—Section 552(a)(4)(E) of title 5, United State Code, is amended by adding at the end the following: ''For purposes of this section only, a complainant has substantially prevailed if the complainant has obtained relief through either—

''(i) a judicial order, administrative action, or an enforceable written agreement or consent decree; or

''(ii) a voluntary or unilateral change in position by the opposing party, in a case in which the complainant's claim or defense was not frivolous.''.

(b) LIMITATION.—Notwithstanding section 1304 of title 31, United States Code, no amounts may be obligated or expended from the Claims and Judgment Fund of the United States Treasury to pay the costs resulting from the amendments made by this section. Any such amounts shall be paid only from funds annually appropriated for the Federal agency against which a claim or judgment has been rendered.

SEC. 5. DISCIPLINARY ACTIONS FOR ARBITRARY AND CAPRICIOUS REJECTIONS OF REQUESTS.

Section 552(a)(4)(F) of title 5, United States Code, is amended—

(1) by inserting ''(i)'' after ''(F)''; and

(2) by adding at the end the following:

''(ii) The Attorney General shall—

''(I) notify the Special Counsel of each civil action described under the first sentence of clause (i); and

''(II) annually submit a report to Congress on the number of such civil actions in the preceding year.

''(iii) The Special Counsel shall annually submit a report to Congress on the actions taken by the Special Counsel under clause (i).''.

SEC. 6. TIME LIMITS FOR AGENCIES TO ACT ON REQUESTS.

(a) TIME LIMITS.—

(1) IN GENERAL.—Section 552(a)(6)(A)(i) of title 5, United States Code, is amended by striking ''determine within 20 days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of any such request'' and inserting ''within the 20-day period commencing on the date on which the request is first received by the agency (excepting Saturdays, Sundays, and legal public holidays), which shall not be tolled without the consent of the party filing the request, determine''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 1 year after the date of enactment of this Act.

(b) APPLICABILITY OF AGENCY FEES.—

(1) LIMITATION.—Section 552(a)(4)(A) of title 5, United States Code, is amended by adding at the end the following:

''(viii) An agency shall refund any fees collected under this subparagraph if the agency fails to comply with any time limit that applies under paragraph (6). Such refunds shall be paid from annual appropriations provided to that agency.''.

(2) EFFECTIVE DATE AND APPLICATION.—The amendment made by this subsection shall take effect 1 year after the date of enactment of this Act and shall apply to requests for information under section 552 of title 5, United States Code, filed on or after that effective date.

SEC. 7. INDIVIDUALIZED TRACKING NUMBERS FOR REQUESTS AND STATUS INFORMATION.

(a) IN GENERAL.—Section 552(a) of title 5, United States Code, is amended by adding at the end the following:

''(7) Each agency shall—

''(A) establish a system to assign an individualized tracking number for each request for information under this section;

''(B) not later than 10 days after receiving a request, provide each person making a request with the tracking number assigned to the request; and

''(C) establish a telephone line or Internet service that provides information about the status of a request to the person making the request using the assigned tracking number, including—

''(i) the date on which the agency originally received the request; and

''(ii) an estimated date on which the agency will complete action on the request.''.

(b) EFFECTIVE DATE AND APPLICATION.—The amendment made by this section shall take effect 1 year after the date of enactment of this Act and apply to requests for information under section 552 of title 5, United States Code, filed on or after that effective date.

SEC. 8. SPECIFIC CITATIONS IN EXEMPTIONS.

Section 552(b) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:

''(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute—

''(A) if enacted after the date of enactment of the Freedom of Information Act Amendments of 2007, specifically cites to this section; and

''(B)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

''(ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld;''.

SEC. 9. REPORTING REQUIREMENTS.

(a) ANNUAL REPORT REQUIREMENTS.—Section 552(e)(1) of title 5, United States Code, is amended—

(1) in the matter preceding subparagraph (A) by striking ''fiscal year and which'' and inserting ''fiscal year. Information in the report shall be expressed in terms of each principal component of the agency and for the agency overall, and'';

(2) in subparagraph (B)(ii), by inserting after the first comma the following, ''the number of occasions on which each statute was relied upon,'';

(3) in subparagraph (C), by inserting after ''median'' the following: ''and average'';

(4) in subparagraph (E), by inserting before the semicolon the following: '', based on the date on which each request was initially received by the agency''; and

(5) by redesignating subparagraphs (F) and (G) as subparagraphs (N) and (O), respectively, and inserting after subparagraph (E) the following new subparagraphs:

''(F) the average number of days for the agency to respond to requests beginning on the date on which each request was initially received by the agency, the median number of days for the agency to respond to such requests, and the range in number of days for the agency to respond to such requests;

''(G) based on the number of business days that have elapsed since each request was initially received by the agency—

''(i) the number of requests for records to which the agency has responded with a determination within a period greater than 1 day and less than 201 days, stated in 20-day increments;

''(ii) the number of requests for records to which the agency has responded with a determination within a period greater than 200 days and less than 301 days;

''(iii) the number of requests for records to which the agency has responded with a determination within a period greater than 300 days and less than 401 days; and

''(iv) the number of requests for records to which the agency has responded with a determination within a period greater than 400 days;

''(H) the average number of days for the agency to provide the granted information beginning on the date on which each request was initially received by the agency, the median number of days for the agency to provide the granted information, and the range in number of days for the agency to provide the granted information;

''(I) the median and average number of days for the agency to respond with a determination to administrative appeals based on the date on which each appeal was initially received by the agency; the highest number of business days taken by the agency to respond to an administrative appeal; and the lowest number of business days taken by the agency to respond to an administrative appeal;

''(J) data on the 10 active requests with the earliest filing dates pending at the agency, including the amount of time that has elapsed since each request was initially received by the agency;

''(K) data on the 10 active administrative appeals with the earliest filing dates pending at the agency as of September 30 of the preceding year, including the number of business days that have elapsed since each request was initially received by the agency;

''(L) the number of expedited review requests received by the agency, the number that were granted and the number that were denied, the average and median number of days for adjudicating expedited review requests, and the number of requests that adjudicated within the required 10 days;

''(M) the number of fee waiver requests that were granted and the number that were denied, and the average and median number of days for adjudicating fee waiver determinations;''.

(b) AVAILABILITY OF RAW STATISTICAL DATA.—Section 552(e)(2) of title 5, United States Code, is amended by adding after the period the following: ''In addition, each agency shall make the raw statistical data used in its reports available electronically to the public upon request.''.

SEC. 10. OPENNESS OF AGENCY RECORDS MAINTAINED BY A PRIVATE ENTITY.

Section 552(f) of title 5, United States Code, is amended by striking paragraph (2) and inserting the following:

''(2) 'record' and any other term used in this section in reference to information includes—

''(A) any information that would be an agency record subject to the requirements of this section when maintained by an agency in any format, including an electronic format; and

''(B) any information described under subparagraph (A) that is maintained for an agency by an entity under a contract between the agency and the entity.''.

SEC. 11. OFFICE OF GOVERNMENT INFORMATION SERVICES.

(a) IN GENERAL.—Chapter 21 of title 44, United States Code, is amended by inserting after section 2119 the following new section:

''§ 2120. Office of Government Information Services

''(a) IN GENERAL.—There is established in the National Archives an office to be known as the 'Office of Government Information Services'.

''(b) NATIONAL INFORMATION ADVOCATE.—

''(1) IN GENERAL.—The Office of Government Information Services shall be under the supervision and direction of an official to be known as the 'National Information Advocate' who shall report directly to the Archivist of the United States.

''(2) FUNCTIONS OF OFFICE.—

''(A) GUIDANCE FOR REQUESTERS.—

''(i) IN GENERAL.—The Office of Government Information Services shall provide, as a non-exclusive alternative to litigation, guidance to FOIA requesters.

''(ii) TYPES OF GUIDANCE.—In providing such guidance, the Office shall provide informal guidance to requesters and may provide fact-finding reviews and opinions to requesters. All reviews and opinions shall be nonbinding and shall be initiated only on the request of FOIA requesters.

''(iii) AVAILABILITY.—Any written opinion issued pursuant to this section shall be available on the Internet in an indexed, readily accessible format.

''(iv) FOIA REQUESTERS.—In this paragraph, the term 'FOIA requester' or 'requester' means a person who has made a request under section 552 of this title and who has been denied records or has not received a timely response to the request or to an administrative appeal.

''(B) ANALYSES OF AGENCY OPERATIONS.—The Office of Government Information Services shall—

''(i) review polices and procedures of administrative agencies under section 552 of this title and compliance with that section by administrative agencies; and

''(ii) recommend policy changes to Congress and the President to improve the administration of section 552 of this title, including whether agencies are receiving and expending adequate funds to ensure compliance with that section.

''(3) IMPACT ON REQUESTER ACCESS TO LITIGATION.—Nothing in this section shall affect the right of requesters to seek judicial review as described in section 552 of this title.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 21 of title 44, United States Code, is amended by inserting after the item relating to section 2119 the following:

''2120. Office of Government Information Services.''.

SEC. 12. ACCESSIBILITY OF CRITICAL INFRASTRUCTURE INFORMATION.

(a) IN GENERAL.—Not later than January 1 of each of the 3 years following the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the implementation and use of section 214 of the Homeland Security Act of 2002 (6 U.S.C. 133), including—

(1) the number of persons in the private sector, and the number of State and local agencies, that voluntarily furnished records to the Department under this section;

(2) the number of requests for access to records granted or denied under this section;

(3) such recommendations as the Comptroller General considers appropriate regarding improvements in the collection and analysis of sensitive information held by persons in the private sector, or by State and local agencies, relating to vulnerabilities of and threats to critical infrastructure, including the response to such vulnerabilities and threats; and

(4) an examination of whether the nondisclosure of such information has led to the increased protection of critical infrastructure.

(b) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

SEC. 13. REPORT ON PERSONNEL POLICIES RELATED TO FOIA.

Not later than 1 year after the date of enactment of this Act, the Office of Personnel Management shall submit to Congress a report that examines—

(1) whether changes to executive branch personnel policies could be made that would—

(A) provide greater encouragement to all Federal employees to fulfill their duties under section 552 of title 5, United States Code; and

(B) enhance the stature of officials administering that section within the executive branch;

(2) whether performance of compliance with section 552 of title 5, United States Code, should be included as a factor in personnel performance evaluations for any or all categories of Federal employees and officers;

(3) whether an employment classification series specific to compliance with sections 552 and 552a of title 5, United States Code, should be established;

(4) whether the highest level officials in particular agencies administering such sections should be paid at a rate of pay equal to or greater than a particular minimum rate;

(5) whether other changes to personnel policies can be made to ensure that there is a clear career advancement track for individuals interested in devoting themselves to a career in compliance with such sections; and

(6) whether the executive branch should require any or all categories of Federal employees to undertake awareness training of such sections.

SEC. 14. PROMOTION OF PUBLIC DISCLOSURE.

Section 552 of title 5, United States Code, is amended by adding at the end the following:

''(h)(1) The policy of the Federal Government is to release information to the public in response to a request under this section—

''(A) if such release is required by law; or

''(B) if such release is allowed by law and the agency concerned does not reasonably foresee that disclosure would be harmful to an interest protected by an applicable exemption.

''(2) All guidance provided to Federal Government employees responsible for carrying out this section shall be consistent with the policy set forth in paragraph (1).''.

SEC. 15. REQUIREMENT TO DESCRIBE EXEMPTIONS AUTHORIZING DELETIONS OF MATERIAL PROVIDED UNDER FOIA.

Section 552(b) of title 5, United States Code, is amended in the matter appearing after paragraph (9)—

(1) in the second sentence, by inserting after ''amount of information deleted'' the following: '', and the exemption under which the deletion is made,''; and

(2) in the third sentence, by inserting after ''amount of the information deleted'' the following: '', and the exemption under which the deletion is made,''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Ohio (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

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

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

There was no objection.

Mr. CLAY. Mr. Speaker, as chairman of the Oversight Subcommittee on Information Policy, Census and National Archives, and lead sponsor of the Freedom of Information Act Amendments of 2007, I strongly urge my colleagues to support H.R. 1309.

H.R. 1309 champions the values of transparency and open government that we celebrate during Sunshine Week and that are embodied in the Freedom of Information Act, or FOIA, as it is referred to.

Introduced with my colleagues Representative WAXMAN, chairman of the full Committee on Oversight and Government Reform, and Representative PLATTS, this bipartisan legislation is necessary to strengthen FOIA as a tool for enabling public access to government records.

During a hearing in February, the subcommittee heard extensive testimony concerning long delays and bureaucratic obstacles experienced by requesters when trying to obtain government records under FOIA.

According to testimony from GAO, most agencies throughout the government are failing to keep pace with the volume of requests they are receiving, the number of pending requests carried over from year to year has been steadily increasing, and the rate of increase is growing.

A report released on Monday by the nonprofit National Security Archive further highlights the failure of agencies to make information available to the public in a timely way. According to the report, just 22 percent of agencies are complying with the 1996 ''e-FOIA law,'' which requires agencies to post frequently requested information on their Web sites.

An insufficient level of resources available for FOIA processing is one reason requesters are being forced to wait long periods of time for responses from agency FOIA offices. Another factor is the current administration's policy of withholding government information that would have been released under previous administrations. Government secrecy has increased as the volume of requests has gone up dramatically.

Building on the OPEN Government Act introduced in the last Congress by Senators CORNYN and LEAHY and Representative LAMAR SMITH, H.R. 1309 contains 13 substantive provisions aimed at removing obstacles to complete and timely government responses to FOIA requests.

The bill would re-establish the policy of the Clinton administration, under which agencies were directed to disclose requested information unless the disclosure would result in some harm. The current administration has encouraged agencies to be more aggressive in asserting statutory exemptions to deny FOIA requests.

In addition, the bill proposes a government-wide ombudsman to mediate disputes between agencies and requesters. This would help to reduce the number of disputes resolved through costly and time consuming litigation.

Other key provisions include: A requirement that agencies respond to FOIA requests within 20 business days or face meaningful administrative penalties; the establishment of a publicly accessible tracking system for pending FOIA requests; and new reporting requirements to allow Congress to evaluate agency compliance with FOIA laws and regulation.

In conclusion, Mr. Speaker, H.R. 1309 provides a strong, reasonable and bipartisan approach to streamlining the FOIA process and increasing transparency in government. It has the vigorous support of every major organization representing the media industry, journalists, historians, archivists and the public interest in government openness and accountability.

We owe it to our constituents to pass this legislation and ensure that the Freedom of Information Act provides actual access to government information to which the American people are entitled.

I urge all of my colleagues to support the bill.

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

Mr. TURNER. Mr. Speaker, I yield myself as much as I may consume.

Mr. Speaker, we have a bit of irony in play here on the House floor. This week the Democratic leadership has declared it Open Government Week, Open Government Week as we take up amendments to the Freedom of Information Act, an act that is incredibly important as a tool for us to hold our government accountable because it gives people the opportunity to access information that can be reviewed by people to determine what action needs to be taken.

But, unfortunately, in the middle of this Open Government Week we have a bill that is coming to the floor, not the bill that went to the committee, not the bill that went through the subcommittee hearings, but an amended bill that has not been reviewed, and was handed to us 10 minutes ago.

Now, the reason why bills come on the Suspension Calendar where we agree to suspend the rules is because they are bills that have been fully vetted, that have openness to them, and that people are aware of what they are and have the opportunity to review them when we have an understanding that more than a majority of this House supports what is in that bill.

But today, without prior notice, and 10-minute amendments to the bill, we have a bill that we are currently reviewing to determine what changes have been made and what the implications would be.

Some of the speakers on the other side of the aisle talked about in Open Government Week that we wanted to make certain that there weren't backroom deals that were being made. Well, clearly the bill, unfortunately, that comes before us on the Freedom of Information Act is the product of a backroom deal where the majority of this House is going to be left with reviewing it to determine what is in it after it had come through our committee and subcommittee.

So my comments about this bill will be about the one that came from the committee and the subcommittee that the subcommittee Chair and the chairman worked so hard in a bipartisan way to bring to this floor.

I know others on this side of the aisle will be reserving their comments for the areas of the bill where it has been modified, where the backroom deals have been made. And we are all unaware of its impact.

The Freedom of Information Act is a popular tool for inquiry for the press, researchers, business, attorneys, activists. But most importantly, it remains a tool for the citizen. Improving the procedural aspects of the act is certainly a worthy goal.

Legislation designed to streamline and improve the Freedom of Information Act process was introduced last Congress by the gentleman from Texas (Mr. SMITH). His bill, H.R. 867, has moved through subcommittee to the full committee. This was a solid bipartisanship bill that Republicans introduced and guided through the legislative process. This year the majority took that bipartisanship bill and made a few changes.

Republicans offered two amendments that were not included in the reported

bill. First, the attorneys' fee provision appears to significantly lower the bar for the recovery of fees, making it easier for those seeking information from the Federal Government to recover legal fees.

The language in this bill differs from that in H.R. 867. The Supreme Court has ruled on this matter in the Buckhannon case, and now some fear the effect of this decision, what it might have on their ability to get attorneys' fees.

The language of section 4 of this bill would make plaintiffs eligible for attorneys' fees in almost any case, so long as they can show that the defending government agency somehow changed its position once the case had commenced. I hope we can closely consider the rationale behind this provision, and its implications for the numerous Federal statutes providing for attorneys' fee awards where the United States or a Federal agency or official is a party. You have to assume that if this is the provision that passes, everyone litigating under any private right of action will clamor for the same favorable legislative treatment.

An amendment was offered in committee to strike section 4 to preserve settled judicial precedent regarding attorneys' fees and highlight this issue. I hope my colleagues in the House and the other body will take a close look at this section as the legislation moves forward.

Second, the majority has taken to heart various groups' concerns about the so-called Ashcroft memo. During President Clinton's administration, Attorney General Janet Reno issued a memorandum establishing a presumption of disclosure if no foreseeable harm would result from the release of information.

Shortly after 9/11, and recognizing the challenges of the standard and the challenges that we face in the global war on terror, Attorney General Ashcroft issued a memorandum that encouraged agencies to carefully consider the protection of the values of interest embodied in the statutory exemptions to FOIA when making disclosure determinations.

I understand that there are serious concerns with this section, and I understand the gentleman from Texas (Mr. SMITH) will speak on this bill and this provision.

Nevertheless, I hope that we continue to balance the need for open government with the need to protect information vital to national security and homeland security, and I hope we keep in mind the importance of individual privacy throughout this debate.

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

Mr. CLAY. Mr. Speaker, at this time I yield 5 minutes to the distinguished chairman from California, Mr. WAXMAN.

Mr. WAXMAN. Thank you very much, Mr. CLAY, the chairman of the subcommittee, and I thank the gentleman from Ohio, the ranking member of the subcommittee.

Mr. Speaker, I first of all have to express my regret in response to the complaint that, while we have openness in government, we had an amendment to this bill suddenly presented to the minority.

□ 1130

And let me explain why that happened. The legislation before us was completely bipartisan in committee. I don't think anybody voted against the bill passing out of our committee, for all the reasons that both the Chair of the subcommittee and the ranking member described, and I would like to get into those substantive issues as well, because this is the best known and most important of the freedom of information that people look to when they want to be able to find out what government is doing. It is called the Freedom of Information Act for that reason.

But we did not have presented to us in committee any objection to the fact that there is a score on this bill of $7 million. But because there is a score, we found out last night that there might be an objection to the bill; and we didn't want to have an objection to the bill, possibly cause people to come to the floor and vote against something as important as the Freedom of Information Act. So we added an amendment to the bill that simply provided that the $7 million, which, by the way, is only expended if the government is sued and loses and has to pay the penalty owed to people for withholding the information. But because there is a $7 million score, we added to this bill that there would be nothing paid unless there is an appropriation of that money. So the bill would not be scored as costing any money at all.

I wish we had more time to bring this to everyone's attention, but no one brought to our attention in the committee that there was concern about this score.

Nevertheless, this bill goes to the heart of the public's access to find out information about what its government is doing. And as we look at what we have designated ''Sunshine Week,'' we are considering this legislation to improve and strengthen this vital law.

H.R. 1309 has been in effect for 40 years, but yet we have a dozen provisions that will increase public access to information under FOIA. These provisions will help FOIA requesters obtain timely responses to their requests, reduce the backlogs at agencies, increase transparency in agency compliance, and provide an alternative to litigation for requesters who are facing delays or denials.

In addition, this bill will restore an important element of the Freedom of Information Act, the presumption of disclosure. Through memoranda issued in 2001 and 2002, the Bush administration discouraged agencies from releasing any document if they could find a technical reason for withholding it. This bill before us today reverses this policy by codifying the presumption of disclosure. Under this bill, agencies will revert to their former policies that emphasized public disclosure and supported the withholding of information only when the agency could foresee a harm from disclosure. This is an important change that will ensure continued public access to government information.

The bill is a bipartisan bill, it is an important bill for openness in government, and I urge my colleagues to support the legislation.

Mr. TURNER. Mr. Speaker, I appreciate the chairman's description of that. I do want to note that my understanding of the applicable dates are that the markup of our bill occurred on March 8 and the CBO cost estimate I believe is dated March 12, which would explain perhaps why there were no objections in the committee.

Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I came to the floor to oppose the bill not on the merits of the FOIA policy, but on the grounds that this bill had a budget section 303 point of order against it and that it violated the new PAYGO rules we have before us.

This bill that we just now got 10 minutes ago, as we read it, we believe does not violate section 303 of the Budget Act or the PAYGO rules. But I think the point I would like to make is this: 10 minutes ago this bill did have a section 303 violation against it; 10 minutes ago this bill did violate the majority's own PAYGO rules they put in place less than 10 months ago. And it scores not just a $7 million, but a $63 million increase over 10 years. So $63 million over 10 years is a lot of money. And given the fact that this new amended bill, as it appears as we read it, does have the required language, subject to appropriations, that it is not out of order, it doesn't waive the PAYGO rules because it does pay for itself subject to appropriations.

I will withhold my objection, but I simply want to say to the majority this place would run a lot better if, when we put bills on the calendar and bring them to the floor, that they comply with the rules that the majority themselves put in place just 2 months ago with respect to PAYGO and with respect to the Budget Act. I just think the whole place would work a lot better if we do that. Then we get on to debating the merits of this legislation.

I think FOIA is an important tool. It needs to work better. I think there is a lot of merit to that point. But let's make sure that as we take a look at our budget problems, and they are enormous, our budget problems, if we can't make sure that bills that spend $63 million over 10 years can't comply with the Budget Act, can't comply with PAYGO, who is to say that bills that spend $2.9 trillion like our Federal budget can comply with it? So if we

can't get the rules right on small bills, who is to say we are going to get the budget discipline rules right on the big bills?

Fiscal discipline starts one step at a time, starts one bill at a time. We have got to get fiscal discipline rules in place and right on small business, especially if this Congress is going to get our arms around our larger fiscal problems.

That is simply the point I want to make to the chairman.

Mr. WAXMAN. Mr. Speaker, will the gentleman yield?

Mr. RYAN of Wisconsin. I yield to the gentleman from California.

Mr. WAXMAN. I thank the gentleman for yielding to me, and I just want to say what is seldom said on the House floor, that I agree with you. And we tried to correct the problems so that we didn't make the error that would have violated our PAYGO principles. And I thank the gentleman for pointing it out, and I think you have raised a very good point and we should all be mindful of it, including the points about the deficit, which I strongly think we need to deal with. So we will have differences about that, but I do want to show my agreement with your basic statement.

Mr. RYAN of Wisconsin. I appreciate the gentleman.

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

Mr. TURNER. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I appreciate my colleague from Ohio yielding me time, and I also want to thank Ranking Member TOM DAVIS and Chairman HENRY WAXMAN for their hard work on this issue. I know how strongly they feel about the need for more open government, and I and many others appreciate their efforts.

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.

H.R. 1309, the Freedom of Information Act Amendments of 2007, has much to recommend it, but it contains at least one fatal flaw, the statutory presumption of disclosure. For that reason, I oppose this legislation.

The presumption of disclosure would reverse the FOIA guidelines set out by former Attorney General John Ashcroft. Shortly after September 11, 2001, then-Attorney General John Ashcroft directed that FOIA be used to ensure an open and accountable system of government while at the same time protecting national security and personal privacy.

The directive encouraged agencies, when making a decision on discretionary disclosure, to carefully consider whether national security, privacy, and government's interest would be jeopardized.

Unfortunately, this bill only exacerbates national security and personal privacy concerns. Instead of allowing agency discretion regarding national security concerns, this statutory language would mandate the release of information if the information does not blatantly fall under an existing exemption.

For instance, under the bill's language there is no discretion to determine whether the information requested will invade personal privacy. Also, if information requested is required by FOIA to be released, under this language it could tip off a terrorist to an investigation that is being conducted. So the bill could set in motion events that could compromise our national security.

Last year, neither the House nor Senate bipartisan legislation included this questionable presumption of disclosure language. It is my understanding that this year's bipartisan Senate version also will not include this questionable language. And, furthermore, Mr. Speaker, the administration opposes this provision, too.

There is no good reason to support a flawed bill, and I encourage my colleagues to oppose it.

Mr. Speaker, I would ask unanimous consent to have the statement of opposition by the administration be made a part of the RECORD.

STATEMENT OF ADMINISTRATION POLICY—H.R. 1309—FREEDOM OF INFORMATION ACT AMENDMENTS OF 2007—(REP. CLAY (D) MISSOURI AND TWO COSPONSORS)

The Administration shares the goals of H.R. 1309 of increasing the timeliness of Freedom of Information Act, FOIA, responses and ensuring a customer-oriented approach to FOIA processing. The Administration has been pursuing these goals, and will be continuing to pursue them, through the strong management review and reforms that the President directed 15 months ago in the first-ever Executive Order on FOIA—Executive Order 13392, ''Improving Agency Disclosure of Information''—which he signed on December 14, 2005.

However, the Administration cannot support H.R. 1309. The Administration believes it would be premature and counterproductive to the goals of increasing timeliness and improving customer service to amend FOIA before agencies have had sufficient time to implement the FOIA improvements that the President directed them to develop, put into place, monitor, and report on during FYs 2006 and 2007. For example, as explained below, several of the bill's provisions would impose substantial administrative and financial burdens on the Executive Branch. These provisions could result in slower, not faster, agency processing of FOIA requests, and the personnel and funds needed to implement them would have to come from existing agency resources. Moreover, the agency reports that were issued last summer, and the improvement plans that are being implemented, illustrate that the challenges that agencies face in responding to FOIA requests are often unique to each agency and, therefore, require agency-tailored reforms, not a government-wide, one-size-fits-all legislative approach.

The Administration's specific concerns with the bill include the following.

The Administration strongly opposes expanding the definition of ''representative of the news media.'' The bill would exempt a larger class of requesters from the obligation to pay fees assessed for searching for responsive documents. Expanding the definition would have serious fiscal consequences for the Executive Branch. Moreover, with no requirement that requesters pay search fees, they have no incentive to tailor their requests and will likely make overly broad requests, which, in turn, will stretch agency resources and increase the time it takes to process all requests. Further, under current law, agencies have authority to waive or reduce fees upon a determination that disclosure of information will contribute significantly to public understanding.

The Administration also strongly opposes reinstating the so-called ''catalyst theory'' for the reimbursement of FOIA litigation fees. The Administration is concerned that its reinstatement would serve as a disincentive to an agency's voluntarily revisiting decisions and improving procedures with respect to FOIA requests, because doing so could make the agency liable for a complainant's legal fees. Furthermore, the bill could be interpreted to include an ''administrative action'' through the FOIA appeals process as a possible means by which a requester can obtain ''relief'' that would justify attorneys fees. Such an interpretation would be a major departure from long-standing administrative law practice and would severely undercut the traditional function of the administrative appeal process, which is designed to provide the requester with an avenue of further review at the agency, thereby reducing the likelihood of a lawsuit. If this provision covers relief provided at the administrative appeal stage, this could increase the FOIA program costs dramatically and would serve as a disincentive to release records at the administrative appeal stage.

The Administration strongly opposes commencing the 20-day time limit for processing FOIA requests on the date that the request ''is first received by the agency,'' and preventing the collection of search fees if the timeline is not met. This provision represents a very significant change from current practice in which the 20-day clock begins once the appropriate element of an agency has received the request in accordance with the agency's FOIA regulations. The provision fails to take into account the complexity of many requests, the need to consult with other Executive Branch entities, or the need to search for records in multiple locations, including at Federal records centers. As noted above, the Executive Order requires agencies to implement improvement plans specifically focused on eliminating or reducing any backlog of FOIA requests, and the Justice Department's preliminary review of the agencies' annual reports indicates that some agencies have already realized meaningful backlog reductions.

The Administration is opposed to the creation of an ''Office of Government Information Services'' within the National Archives and any intent that the proposed Office would be given any sort of policymaking role with respect to FOIA compliance. The FOIA compliance function remains appropriately placed with the Department of Justice, the lead agency in implementing Executive Order 13392.

Finally, the Administration strongly opposes the provision in the bill that appears to be an attempt to repeal Attorney General Ashcroft's FOIA Memorandum and return to Attorney General Reno's pre-9/11 FOIA guidance. The Administration believes that the structure of the FOIA reflects the appropriate balance between the public's right to know how the government is operating and the equally important need to safeguard certain information, such as that pertaining to personal privacy or homeland security.

Mr. CLAY. Mr. Speaker, at this time I yield 4 minutes to my distinguished colleague from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. I thank the gentleman for yielding and for his leadership, along with Mr. WAXMAN, on working on so many sunshine bills to make government more open and accountable to the citizens, to our taxpayers, to the American public. And an important part of sunshine is the Freedom of Information Act Amendments, it is a tremendously important bill, H.R. 1309, of 2007.

Since coming to Congress, I have been working on this committee, and improved FOIA processes which are critical to an open government and making our government more transparent is very fundamental to our democracy.

We have made improvement over the years, and I am pleased to have been one of the authors of the Electronic Freedom of Information Act of 1996. This important law was intended to make FOIA more efficient by providing public access to information, including in an electronic format.

The Oversight and Government Reform Committee, of which I am a member, has held many hearings on FOIA over the past few years, and we have learned that it has not progressed as well as we had hoped. Some agencies and Departments are doing a better job of fulfilling freedom of information requests, while some continue to have terrible records and lag far, far behind. Requesters often wait months or years to find out the status of their requests or to obtain the information. And I am pleased that we have report language that clarifies that they have to get back quickly on requests and at least let them know where they are.

As a result, the backlogs at agencies and Departments continue to grow, and frequently the only recourse for the denial of requested information is to file lawsuits. But many people, many Americans cannot afford the high costs associated with court costs. So by not moving in a timely manner, you are depriving them of this information.

H.R. 1309 includes many important provisions that my colleagues have spoken about and that I hope will improve the process and eliminate the problems that exist in today's system, including an amendment that I offered in committee that would provide for greater disclosure to the FOIA requester about the exemption under which a deletion has been made from requested material.

I often hear from constituents, they come to my office with piles of FOIA requests and like the whole thing is redacted and there is absolutely no explanation why. This is really not fair, and we hope that this amendment will improve the process.

I am pleased that it was accepted in a bipartisan way by Ranking Member DAVIS and Ranking Member TURNER. I really feel this legislation is long overdue, and I commend Chairman WAXMAN and Ranking Member DAVIS and Chairman CLAY and Ranking Member TURNER for bringing this bipartisan legislation to the floor with the many other very important sunshine bills to make our government more open and accountable to the American public.

Mr. TURNER. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PLATTS).

Mr. PLATTS. Mr. Speaker, I rise in support of H.R. 1309, the Freedom of Information Act Amendments of 2007.

Open and accountable government make up the cornerstones of good government. This legislation before us today seeks to strengthen these cornerstones.

The Freedom of Information Act was signed into law over 40 years ago, in July 1966, enacted after 11 years of debate. FOIA established a statutory right of public access to executive branch information.

FOIA provides that any person has the right to obtain Federal agency records. Originally, the act included nine categories of information protected from disclosure, and Congress has added additional exemptions over time.

Balancing the need for open government with the needs to protect information vital to national security and personal privacy is a constant struggle. Federal Departments and agencies are operating in the post-9/11 information age and face 21st century security, information management, and resource challenges.

As we seek to achieve this balance we must remember the words of Thomas Jefferson who said, ''Information is the currency of democracy.'' FOIA is an essential tool to ensure that the citizens of our great Nation have access to information in the way that Thomas Jefferson envisioned.

Over the past several years, the Government Reform Subcommittee on Government Management, Finance, and Accountability, on which I had the privilege to serve as Chair, conducted multiple hearings on FOIA implementation.

□ 1145

In response to legislative proposals introduced last session in the House and Senate, as well as the oversight conducted by the subcommittee, President Bush issued Executive Order 13392, entitled Improving Agency Disclosure of Information, on December 14, 2005. This document sought to improve the overall processing of FOIA requests, creating a more citizen-centered and results-oriented approach to information policy. And I certainly commend the administration for their efforts.

In response to that effort, though, we believed further work was needed. On September 27, 2006, the subcommittee marked up legislation very similar to that legislation before us here today. Specifically, the OPEN Government Act, introduced by my colleague from Texas, LAMAR SMITH, like the bill before us today, would close loopholes in FOIA, help requesters obtain more timely response, and provide FOIA officials with the tools they need to ensure that the Federal Government remains open and accessible.

While the legislation before us today includes provisions not included in Representative SMITH's legislation from last session and to which he is currently opposed, I certainly want to commend Representative SMITH for his leadership and dedicated efforts to improve the Freedom of Information Act and to make government more open and accountable.

I also want to thank Chairman WAXMAN of the full committee and subcommittee Chairman CLAY for their efforts in moving this legislation forward quickly and, as well, recognize Ranking Member DAVIS of the full committee and Ranking Member TURNER at the subcommittee for their efforts.

This legislation is about open and accountable government. I urge a ''yes'' vote.

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

In closing, I would like to thank my colleagues on both sides of the aisle for working together on this bill to open up our government to the people of the United States. And I also want to thank Mr. SMITH, who has reservations about the bill, but I want to thank him for his leadership in championing the cause of freedom of information in this country.

I want to also thank my friend from Wisconsin for agreeing with us that the bill was modified since it came out of committee, and that modification was in order to eliminate the costs associated with the bill.

Let me say that H.R. 1309 champions the values of transparency and open government that we celebrate during Sunshine Week and that are embodied in the Freedom of Information Act. The bill does several things: It would reestablish the policy of previous administrations under which agencies were directed to disclose requested information unless the disclosure could result in harm. In addition, the bill proposes a government-wide ombudsman to mediate disputes between agencies and requesters. This would help to reduce the number of disputes resolved through costly and time-consuming litigation.

It does several other things: There is a requirement that agencies respond to FOIA requests within 20 business days or face meaningful administrative penalties. It establishes a publicly accessible tracking system for pending FOIA requests.

Mr. Speaker, in conclusion, H.R. 1309 provides a strong, reasonable, and bipartisan approach to streamlining FOIA and increasing transparency in government. I urge all of my colleagues to support this bill.

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

Mr. TURNER. Mr. Speaker, I yield 3 minutes to the gentleman from Idaho and a member of our subcommittee (Mr. SALI).

Mr. SALI. Mr. Speaker, I rise today because of my serious concerns with section 4 of H.R. 1309.

As I begin, let me emphasize that I support the intent of H.R. 1309. Transparency in government is an important priority. I campaigned on it and voted for the new ethics package that came before this House in early January with the hope that Congress might be more openly accountable to those who elected us.

This is a government of, by, and for the people, and the people deserve to know what their government is doing. Except for critical issues of national security policy, there must be a much better level of openness in the conduct of the Federal Government and the access of the American people to information about it.

However, section 4 of the bill before us, as it is currently drafted, appears to authorize Federal courts to award attorneys' fees to a plaintiff even when the opposing parties mutually reach and execute a settlement agreement.

The policy of FOIA is, and should be, to expedite and streamline production of documents falling within the statute. My concern is that when a Federal statute provides attorneys' fees after the parties mutually reach a voluntary settlement, it runs contrary to that very goal. Resolution short of protracted litigation should be encouraged, not discouraged. The current proposed language of section 4 of H.R. 1309 may have a devastating, perverse effect.

Second, the statute may further allow plaintiffs to receive attorneys' fees in almost any case they file so long as they can show that the defending government agency, for any reason, changed its position once the case had been commenced.

While it is true that FOIA complainants often face an uphill battle when they deal with a Federal agency, the language, as proposed, invites litigation instead of resolving it. Additionally, the legislation, as drafted, may actually undermine the stated ''dominant objective'' of the act by giving an incentive by Federal Departments to avoid disclosure.

The question this raises in my mind, Mr. Speaker, is that given the provisions of section 4 of the bill, why would any agency settle? As I read the bill, once a lawsuit is commenced, any change in position by a Federal Department or agency would be tantamount to an admission of liability for attorneys' fees. This would only encourage the filing of a myriad of lawsuits. If lawyers know they will make money no matter what the outcome, they will see this as a great opportunity to file, file, and file again. We will likely see a cottage industry for litigants who may not even care about the underlying documents.

Because of the concerns I have that the current proposal provides incentives to prolong litigation, I cannot support this measure in its current form. I regret that because I want to vote for any bill that prudently opens the door of government to those whom government represents, our fellow citizens. But the law of unintended consequences is at play here, and unless we strike section 4, we will see massive new litigation that will only clog the Federal docket, hamstring legitimate functions of government, and cost taxpayers potentially untold millions of dollars.

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

I want to commend the Chair of our subcommittee, Mr. CLAY, for his thoughtful approach to hearings on this matter and his leadership in shepherding this bill. I want to thank Chairman WAXMAN for his efforts in having a very bipartisan discussion in the committee on the bill. He was very welcoming of the input from all of the committee members.

Unfortunately, though, here, right in the middle of Open Government Week, we have the irony that this is not the bill that both of these gentlemen worked so diligently on a bipartisan basis for in the committee and subcommittee. It has been amended, unfortunately, as the other side of the aisle decried, in a back room by Democratic leadership in order to make the bill conform to the rules of the House for it to be able to move forward.

In the middle of Open Government Week, what does that mean? Well, it means that while we all stand up here and talk about the importance of freedom of information, and freedom of information is important because it gives people the ability to hold their government accountable; but as we all discuss that, we have a bill that is going to be moving forward and come before this House that the members of the committee did not see, the members of the subcommittee did not see, that each of them is going to have to review and have to have their staff review, that members of the public at large who may have been following this bill in the professional community or average citizens who had an interest in it will go to a Web site and look at a bill that was approved by the committee and approved by the subcommittee, but unfortunately, is not the bill that is before us.

And it is not before us because in the middle of Open Government Week, the bill that was placed before us was amended without the participation of the committee, without the participation of the subcommittee, and without the participation of this body. We will all come to vote on a bill that has been amended in a back room by Democratic leadership.

You have heard that there are a number of concerns that people on this side of the aisle have about the bill. As you are aware, this bill began as a Republican bill offered by Mr. SMITH of Texas, H.R. 867. It has been modified in several ways about which individuals do have concern. But the underlying principle, freedom of information, that encourages effective government and encourages government to be responsive, is one that we all support and hold dear and certainly we should continue to support the Freedom of Information Act.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 1309, the ''Freedom of Information Act Amendments of 2007.'' This legislation contains a dozen substantive provisions that will increase public access to Government information by strengthening the Freedom of Information Act (FOIA).

Mr. Speaker, the principles embodied by FOIA are intended to make the Government, in President Lyndon B. Johnson's words, ''as open as the security of the Nation permits.'' But in recent years, Federal agencies have come to look on FOIA requests as something to be prevented and obstructed, rather than welcomed and facilitated. The bill before us will help end that way of doing business.

Mr. Speaker, H.R. 1309 restores the presumption of disclosure to FOIA by making it clear that records should be released to the public if disclosure is allowable under law and the agency cannot reasonably foresee any harm from such a disclosure.

Mr. Speaker, under current law, agencies are required to respond to a request for information filed under the FOIA within 20 days but as we all know, delays and backlogs are all too common. H.R. 1309 makes this deadline meaningful by ensuring that the 20-day statutory clock runs immediately upon an agency's receipt of a request. The bill imposes consequences on Federal agencies for missing the deadline. For example, agencies are prevented from charging processing fees whenever they failed to meet the 20-working day response deadline.

The bill also requires agencies to provide requesters individualized tracking numbers for each request and access to a telephone or internet hotline with information about the status of requests.

Another important feature of the bill is that it strengthens agency reporting requirements to identify excessive delays and requires each agency to make the raw data used to compile its annual reports publicly available. Also, the bill requires the Government Accountability Office to report annually on the Department of Homeland Security's use of the broad disclosure exemption for ''critical infrastructure information.''

I also commend to Members another feature of H.R. 1309 that should reduce the need to resort to litigation. The bill creates the new position of FOIA Ombudsman to help FOIA requesters resolve problems without having to turn to the courts. The FOIA ombudsman will be located at the National Archives and will help requesters by providing informal guidance and nonbinding opinions regarding rejected or delayed FOIA requests. The FOIA ombudsman will also review agency compliance with FOIA.

Last, Mr. Speaker, H.R. 1309 makes it more feasible for citizen groups to challenge the improper withholding of Government information by expanding access to attorneys' fees for FOIA requesters who successfully challenge

an agency's denial of information. The bill also holds agencies accountable for their decisions by enhancing the authority of the Office of Special Counsel to take disciplinary action against Government officials who arbitrarily and capriciously deny disclosure.

Mr. Speaker, I strongly support H.R. 1309 and urge all my colleagues to join me in supporting this legislation that will restore public confidence in the administration of the executive branch of the Federal Government.

Mr. UDALL of Colorado. Mr. Speaker, I strongly support this bill, which will increase the transparency and accountability of the Federal Government by making a number of long-overdue revisions to the Freedom of Information Act, or FOIA.

The bill will reemphasize that disclosure is to be the rule, secrecy the exception. It will help people seeking documents to get timely responses, and improve transparency in agency compliance. It will reduce the need for people seeking documents to go to court, and provide accountability for agency decisions on whether to release requested information.

Mr. Speaker, the enactment of FOIA in 1966 was a watershed. It established as fundamental policy the principle that information within the government's control should be available and established a presumptive right for the public to obtain identifiable, existing records of Federal agencies. Anyone can use FOIA to request access to Government information. Requesters do not have to show a need or reason for seeking information, and the burden of proof for withholding requested material rests with the department or agency that seeks to deny the request. Agencies may deny access only to records, or portions of records, that fall within certain specific categories.

FOIA has been used effectively by journalists, public interest organizations, corporations, and individuals to access Government information. But the process could be better—because of delays and backlogs, requesters often have found it hard to learn about the status of their requests, and a recent Supreme Court decision has hampered requesters' ability to litigate their claims.

H.R. 1309 would address these and other concerns about the implementation of FOIA. It is a modest measure, but an important one that deserves the approval of the House.

That's especially true because, as the Rocky Mountain News noted in a recent editorial, "The Bush administration may have been the most openly contemptuous of FOIA's mission since the act first passed. . . . President Bush will leave office in 2009, but it's not enough to trust that future administrations will abide by the promise of openness that FOIA represents. The law needs specific measures to ensure accountability, and the amendments within H.R. 1309 mark a large stride forward."

For the information of our colleagues, I attach the complete text of that editorial:

[From the Rocky Mountain News, Mar. 13, 2007]

OPEN RECORDS UPGRADE

CONGRESS HAS CHANCE TO IMPROVE CRITICAL LAW

We welcome bipartisan efforts in Congress to beef up the Freedom of Information Act—the four-decade-old law that affords citizens access to the inner workings of the executive branch.

FOIA could certainly stand a little love, as open Government has been attacked many times since Lyndon Johnson signed the act into law July 4, 1966.

The revisions to FOIA in H.R. 1309, which could come before the full House as early as today, would both shine more light on the nooks and crannies of federal bureaucracies and force agencies to better respect the spirit of the law.

Here are a few of the improvements:

The Government would have to act on FOIA requests more quickly. Agencies that did not respond to a request within 20 business days would forfeit any copying and research fees; agencies are now supposed to respond within that period, but there are no penalties.

Federal departments would have to set up FOIA hotlines and individual tracking numbers so that people and organizations that file FOIA requests can easily follow the process.

Citizen journalists and freelancers would gain new credibility. An agency could no longer summarily deny FOIA requests from journalists who are not employed or under contract with established media organizations or watchdog groups. Such requests from unaffiliated individuals can now be rejected.

The amended law would force agencies to consider any request to disseminate information to a broad audience as legitimate, particularly if the party making the request has any record of publication (including bloggers).

The Government would have to reimburse the legal fees of more parties that sue under FOIA. Currently, there's only one way a party that has filed suit to enforce a FOIA request can get repaid: The Government has to lose in court. The amendments would force agencies to repay attorney fees if the government turns over records before a final ruling is issued. This would prevent agencies from sticking media groups with attorney fees by surrendering records just before a judge rules.

The Bush administration may have been the most openly contemptuous of FOIA's mission since the act first passed. Former Attorney General John Ashcroft urged Federal agencies to fight FOIA requests and not presume that the public has a right to know what goes on inside the executive branch. The administration also placed gratuitous limits on requests to the Department of Homeland Security.

President Bush will leave office in 2009, but it's not enough to trust that future administrations will abide by the promise of openness that FOIA represents. The law needs specific measures to ensure accountability, and the amendments within H.R. 1309 mark a large stride forward.

Mr. TURNER. 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 Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 1309, as amended.

The question was taken.

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

Mr. TURNER. 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.

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. 1254, by the yeas and nays;

H.R. 1255, by the yeas and nays;

H.R. 1309, by the yeas and nays.

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

PRESIDENTIAL LIBRARY DONATION REFORM ACT OF 2007

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1254.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. MURPHY) that the House suspend the rules and pass the bill, H.R. 1254, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 390, nays 34, not voting 9, as follows:

[Roll No. 142]

YEAS—390

Abercrombie	Boyda (KS)	Cuellar
Ackerman	Brady (PA)	Cummings
Aderholt	Brady (TX)	Davis (AL)
Akin	Braley (IA)	Davis (CA)
Alexander	Brown, Corrine	Davis (IL)
Allen	Brown-Waite, Ginny	Davis, David
Altmire	Buchanan	Davis, Lincoln
Andrews	Burton (IN)	Davis, Tom
Arcuri	Butterfield	Deal (GA)
Baca	Buyer	DeFazio
Bachmann	Calvert	DeGette
Bachus	Camp (MI)	Delahunt
Baird	Cantor	DeLauro
Baker	Capito	Dent
Baldwin	Capps	Diaz-Balart, L.
Barrett (SC)	Capuano	Diaz-Balart, M.
Barrow	Cardoza	Dicks
Bean	Carnahan	Dingell
Becerra	Carney	Doggett
Berkley	Carson	Donnelly
Berman	Carter	Doyle
Berry	Castle	Drake
Biggert	Castor	Dreier
Bilbray	Chabot	Duncan
Bilirakis	Chandler	Edwards
Bishop (GA)	Clarke	Ehlers
Bishop (NY)	Clay	Ellison
Bishop (UT)	Cleaver	Ellsworth
Blackburn	Clyburn	Emanuel
Blumenauer	Cohen	Emerson
Blunt	Cole (OK)	Engel
Boehner	Conyers	Etheridge
Bonner	Cooper	Everett
Bono	Costa	Fallin
Boozman	Costello	Farr
Boren	Courtney	Fattah
Boswell	Cramer	Feeney
Boucher	Crenshaw	Ferguson
Boustany	Crowley	Filner
Boyd (FL)		Forbes

Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Jordan
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
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)

NAYS—34

Bartlett (MD)
Barton (TX)
Burgess
Campbell (CA)
Cannon
Coble
Conaway
Cubin
Culberson
Davis (KY)
Doolittle
English (PA)
Flake
Foxx
Franks (AZ)
Gingrey
Gohmert
Hastert
Hensarling
Hoekstra
Jones (NC)
King (IA)
Kingston
Lamborn
Linder
Manzullo
McHenry
Myrick
Paul
Sensenbrenner
Shadegg
Tancredo
Walberg
Westmoreland

NOT VOTING—9

Brown (SC)
Davis, Jo Ann
Eshoo
Granger
Kanjorski
Meehan
Miller, George
Saxton
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1223

Messrs. COBLE, CONAWAY, DAVIS of Kentucky, KINGSTON, ENGLISH of Pennsylvania, LINDER, TANCREDO, KING of Iowa, BURGESS, SENSENBRENNER, HOEKSTRA, WALBERG, HENSARLING, LAMBORN, and CANNON, Ms. FOXX and Mrs. MYRICK changed their vote from ''yea'' to ''nay.''

Mr. JACKSON of Illinois changed his vote from ''nay'' to ''yea.''

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.

PRESIDENTIAL RECORDS ACT AMENDMENTS OF 2007

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1255, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 1255, as amended, 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 333, nays 93, not voting 7, as follows:

[Roll No. 143]

YEAS—333

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Reichert
Reyes
Reynolds
Rodriguez
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wicker
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—93

Aderholt
Akin
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Boehner
Buchanan
Campbell (CA)
Cannon
Cantor
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Doolittle
Drake

Everett
Fallin
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Hall (TX)
Hastert
Hastings (WA)
Hensarling
Hunter
Inglis (SC)
Johnson, Sam
Jordan
King (IA)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
Lamborn
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Pence
Pitts
Poe
Price (GA)
Putnam
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (TX)
Souder
Sullivan
Tancredo
Thornberry
Walberg
Weldon (FL)
Weller
Westmoreland
Whitfield
Wilson (NM)
Young (AK)

NOT VOTING—7

Brown (SC)
Davis, Jo Ann
Granger
Kanjorski
Meehan
Miller, George
Saxton

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1234

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

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

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. WILSON of New Mexico. Mr. Speaker, on rollcall No. 143 I inadvertently voted "nay." I meant to vote "yea."

FREEDOM OF INFORMATION ACT AMENDMENTS OF 2007

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1309, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 1309, as amended, 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 308, nays 117, not voting 8, as follows:

[Roll No. 144]

YEAS—308

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Rodriguez
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—117

Aderholt
Akin
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Biggert
Bilirakis
Blackburn
Boehner
Bono
Buchanan
Buyer
Campbell (CA)
Cannon
Cantor
Carter
Coble
Cole (OK)
Conaway
Cubin
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Goodlatte
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCrery
McHenry
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pitts
Price (GA)
Pryce (OH)
Putnam
Radanovich
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Upton
Walberg
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)

NOT VOTING—8

Brown (SC)
Davis, Jo Ann
Granger
Kanjorski
Meehan
Miller, George
Saxton
Spratt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1242

Ms. ROS-LEHTINEN changed her vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMUNICATION FROM DISTRICT DIRECTOR OF HON. LEONARD L. BOSWELL, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Sally Bowzer, District Director of the Honorable LEONARD L. BOSWELL, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 12, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued by the District Court for Polk County, Iowa, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

SALLY BOWZER,
District Director.

PROVIDING FOR CONSIDERATION OF H.R. 985, WHISTLEBLOWER PROTECTION ENHANCEMENT ACT OF 2007

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 239 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 239

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 985) to amend title 5, United States Code, to clarify which disclosures of information are protected from prohibited personnel practices; to require a statement in nondisclosure policies, forms, and agreements to the effect that such policies, forms, and agreements are consistent with certain disclosure protections, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour and 20 minutes, with one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Oversight and Government Reform and 20 minutes equally divided and controlled by the chairman and ranking member of the Committee on Homeland Security. After general debate the bill shall be considered for amendment under the five-minute rule. An amendment in the nature of a substitute consisting of the text of the bill, modified by the amendments recommended by the Committee on Oversight and Government Reform now printed in the bill, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 985 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

The SPEAKER pro tempore (Mr. PASTOR). The gentleman from Florida (Mr. HASTINGS) is recognized for 1 hour.

□ 1245

Mr. HASTINGS of Florida. Mr. Speaker, for purpose of debate only, I yield the customary 30 minutes to my good friend and colleague from Florida, Mr. DIAZ-BALART. All time yielded during consideration of the rule is for debate only.

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

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

Mr. HASTINGS of Florida. Mr. Speaker, House Resolution 239 provides for consideration of H.R. 985, the Whistleblower Protection Enhancement Act of 2007 under a structured rule. The rule provides 1 hour and 20 minutes of general debate with 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Oversight and Government Reform. The remaining 20 minutes will be equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security.

The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The rule provides that the amendment in the nature of a substitute, consisting of the text of the bill, modified by the amendments, recommended by the Committee on Oversight and Government Reform, and printed in the bill, shall be considered as adopted.

The bill, as amended, shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against provisions in the bill, as amended.

Now, the rule makes in order five amendments, three Republican amendments and two Democratic, which are printed in the Rules Committee report accompanying the resolution.

The amendments may be offered only in the order printed in the report, may be offered only by a Member designated in the report and shall be considered as read and shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent.

All points of order against amendments, except for clauses 9 and 10, are waived.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, today is an important day for the more than 2.7 million Federal employees who show us, day in and day out, their commitment to improving our great country. It is an important day because the House, in bipartisan cooperation, is closing the loopholes which permitted retaliation against Federal employees who have reported unlawful fraud, corruption, incompetence and abuse of power.

Today is an important day because the House is saying loud and clear that whistleblower protection is an essential component of government, of government accountability and of government fiscal responsibility.

Throughout our history, whistleblowers have played integral roles in improving our government and holding it accountable for its negligence. From Shawn Carpenter to Joseph Darby to Mark Felt, and everyone in between, whistleblowers have faced harsh penalties from those who would prefer that what they know is never shared with the public. They have, nevertheless, put their careers on the line, and in some instances even their lives, to do what they knew was the right thing to do. Their courage is to be commended and their conviction embraced.

When history judges this current administration, I believe it will look down upon the drastic and despicable actions taken by this administration, which have stifled those seeking to speak truth to power. These actions are, indeed, some of the very reasons why this bill is so desperately needed.

For example, in 2005, the Bush administration officials placed a gag on a senior NOAA official who was scheduled to give an interview arguing that global warming exists and has contributed to greater and stronger hurricane activity. Three weeks later, Hurricane Katrina made landfall, first in my State of Florida, and then in Louisiana and Mississippi and Alabama, killing hundreds and leaving hundreds of thousands homeless, jobless and ill.

How can we forget former CIA operative Valerie Plame? Her life, and the lives of others, were placed in jeopardy after the Vice President's chief of staff revealed her name to a reporter in retaliation for her husband, former Ambassador Joe Wilson, revealing that the administration lied about the existence of weapons of mass destruction in Iraq and where they were trying to retrieve uranium from Africa.

When the Bush administration hasn't been able to directly punish whistleblowers, it has simply tried to unilaterally change the law. Just this past September, after a senior Environmental Protection Agency scientist revealed that the administration had purposefully misled the public regarding the air safety at Ground Zero following the attacks of September 11, the Bush administration issued an executive order declaring that EPA employees are no longer covered by Federal whistleblower protections. That is outrageous.

These three high-profile cases, and there are a great deal more, these three capture only a small snapshot of the problems in the current administration. More importantly, they highlight the need for extended protection across all agency lines to Federal whistleblowers.

Unfortunately, for nearly the last decade, Federal whistleblowers have received nothing more than lip service. Let me make it very clear, I said for the last decade, that includes the previous administration and this one. Even when the House drafted legislation in 2002 establishing the Department of Homeland Security, it failed to

include whistleblower protections for DHS employees.

Now, I am proud that I was the author of the amendment which extended these protections and was the only Democratic amendment adopted by the House during consideration of the legislation. The protection of whistleblowers in recent years has unfortunately garnered only lip service. Today, the House is backing up these words with real action that protects our 2.7 million Federal workforce.

I close by noting that this bill is not perfect. That is why the Rules Committee has made five amendments in order, the majority of which, I might add, are going to be offered by our colleagues, the Republicans, on the other side.

Democrats are proud to continue our efforts to work in a bipartisan manner, and to provide the minority with many opportunities to improve already good legislation.

GENERAL LEAVE

Mr. HASTINGS of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks during debate on House Resolution 239.

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

There was no objection.

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

Mr. LINCOLN DIAZ-BALART of Florida. I would like to thank my friend from Florida for the time.

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

Congress has the constitutional duty to oversee the executive branch. In order to discharge our constitutional oversight responsibility, Congress depends on information obtained through agency reports and direct communication from Department heads. However, we also depend on information provided directly from employees within the agencies who are witnesses to the misuse of taxpayer dollars and alert Congress of the possible corruption or incompetence in management.

In 1989, Congress passed the Whistleblower Protection Act in an effort to strengthen statutory protections for Federal employees who assist in the elimination of fraud, waste, abuse, illegality or corruption.

H.R. 985 would modernize and expand this protection to Federal employees, with added whistleblower protection.

For example, the bill would extend protection to FBI agents, CIA agents, employees of the Defense Intelligence Agency, the National Geospatial Agency and the National Security Agency.

I think it is important to have whistleblower protection for the intelligence community. I would like to point out, however, that Congress has already passed such legislation. In 1998, Congress passed the Intelligence Community Whistleblower Protection Act to encourage the reporting to Congress of wrongdoing within the intelligence agencies.

In crafting the 1998 legislation, Congress sought to balance the need for information with national security requirements, giving intelligence community whistleblowers access to Congress but through the intelligence committees.

Yesterday, the Rules Committee denied the ranking member of the Intelligence Committee, Mr. HOEKSTRA, from offering an amendment striking section 10 of the bill. Section 10 conflicts with the provisions of the existing Intelligence Community Whistleblower Protection Act of 1998.

The amendment, I believe, should have been made in order. National security is obviously one of the most important issues that we deal with. Before we make changes to how Congress handles intelligence oversight, we should have a full and complete debate on that particular provision. We could have done that if the majority had made the Hoekstra amendment in order.

Under the bill, defendants in whistleblower cases will now be able to make their cases to any Federal district court if the Merit Systems Protection Board does not take action within 180 days.

Part of this provision will allow claims to be processed on a more timely basis than they are now. However, there are possible problems with the provision.

□ 1300

Yesterday, Oversight and Government Reform Committee Ranking Member DAVIS asked the Rules Committee that his amendment be made in order. His amendment sought to retain uniformity in the consideration of whistleblower cases in the Federal courts by keeping in place the current requirement that all whistleblower appeals go through the United States Court of Appeals for the Federal Circuit, rather than opening up appeals to all circuits.

Without the amendment, Federal employee whistleblowers could end up possessing a different set of rights and protections, depending on where they file their claim. However, unfortunately, the majority decided to close down the debate process on that issue, and refused to allow the House to debate that very important and meaningful amendment.

I believe the majority should have made those amendments, the Hoekstra amendment and the Davis amendment, in order, along with other important amendments brought before the Rules Committee.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time, before yielding to my good friend and colleague on the Rules Committee, only to respond to my friend from Florida regarding an amendment that was not made in order of the ranking member of the Intelligence Committee.

I serve on that committee, and one amendment that was made in order contemplates everything that the ranking member of the Intelligence Committee might have provided in the amendment that he sought.

Quite frankly, I think Mr. TIERNEY's amendment, which we will have an opportunity to debate here on the floor, will give a full exploration of those matters having to do with whistleblower concerns in the intelligence community. So I commend that to my colleague and all here in this body.

Mr. Speaker, I am very pleased to yield to a new Member, who is not so new now, to the Rules Committee, my good friend, Mr. ARCURI from New York. I yield to him 4 minutes.

Mr. ARCURI. Mr. Speaker, I thank my good friend and colleague from the Rules Committee, the gentleman from Florida, for yielding.

Mr. Speaker, accountability is a word often used but seldom implemented. For the last 12 years it is as if Congress forgot one of its principal responsibilities is to demand accountability from the administration and protect the American people from waste, fraud and abuse.

The Whistleblower Protection Enhancement Act, which this rule provides consideration for, will provide additional transparency and accountability for the way the Federal Government spends tax dollars of the hardworking Americans.

It is no secret that the only way we can truly gather firsthand accounts of instances where waste, fraud and abuse occur is from the people on the inside, the Federal employees. Unfortunately, not all Federal employees are currently protected from being fired if they unmask corruption or other fraudulent activities going on inside the administration.

This legislation goes right to the heart of the issue by extending much needed whistleblower protections to Federal Government employees working on national security, government contractor employees and transportation security employees, including baggage screeners at our airports. It only makes sense that Federal employees, especially those who have undergone extensive background investigations, obtained security clearances and handled classified information on a routine basis, be afforded the same rights and whistleblower protections as all other Federal employees.

In addition, this legislation takes some very important steps. It would abolish the U.S. Circuit Court of Appeals for the Federal Circuit's exclusive jurisdiction for overhearing whistleblower appeals cases, taking away its Supreme Court-like jurisdiction and allowing the appropriate Federal appeals courts in the respective circuit where the incident took place to hear such cases.

For instance, if the instance of whistleblowing were to occur in New York, in my district, that is the Second Circuit. The initial decision rendered by the Second Circuit should be appealed in the Second Circuit. It should not be required to come to the Federal Circuit here.

The current appeals structures for hearing whistleblower cases not only places a hefty financial burden on individuals who would have to travel from across the country to D.C. just to have their appeal heard, it also provides a disservice to our Nation's legal system by overburdening one court.

As a former district attorney, I know from experience that having the ability to draw on decisions from similar cases rendered from different courts around the country would greatly improve our legal system. It would benefit all parties involved, and further enhance our Nation's exceptional legal system. Further, by allowing other Federal circuit appellate courts to hear whistleblower appeal cases increases the opportunity for those cases to be heard by the United States Supreme Court.

Mr. Speaker, it is time to level the playing field for all Federal employees who have the courage to stand up for the American people.

I urge my colleagues on both sides of the aisle to support this rule and the Whistleblower Protection Enhancement Act.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield such time as he may consume to the distinguished ranking member of the Rules Committee, Mr. DREIER.

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

Mr. DREIER. Mr. Speaker, I rise to begin by thanking my friend from Miami and my friend from Fort Lauderdale. We have got this Sun Belt linkage now here. The only thing in between it was somebody from upstate New York there. And I know he likes that better than Los Angeles, as he told me up in the Rules Committee just before we were going into our last break. But I am proud that there are three of us at least who come from the Sun Belt who are representing this debate on this rule.

Mr. Speaker, I do rise to reluctantly oppose both the rule and the underlying legislation. The bill is very well-intentioned, and it is designed to clarify and expand the laws regarding those who try to expose waste, fraud and mismanagement in the Federal Government.

Whistleblowers, oftentimes, put their jobs at risk to expose wrongdoing in the workplace, and whistleblowers are absolutely crucial to our Nation's security, safety and success as well. I believe very much that their protection is an inherent right for all employees, and it needs to be maintained.

In addition, the whistleblower protections enable Congress to fulfill our constitutional responsibility of overseeing the executive branch. It is imperative that we do that. We need to recognize that we are a separate and coequal branch of our Federal Government. We have a right to know the actions of the executive branch and to oversee the implementation of the laws that we create as Members of this body, and whistleblowers are a very crucial part of that.

Now, Mr. Speaker, I do support the idea of expanding and modernizing whistleblower protection laws. But, unfortunately, I believe that this legislation ends up falling short of that very important goal to which I believe we all aspire.

The bill aims to extend whistleblower protections to Federal workers who specialize in national security issues. These workers include employees of the FBI, the CIA, the Defense Intelligence Agency, among others. Unfortunately, the bill raises significant national security concerns that have really led me to conclude that I can't support this bill in its present form.

Within its oversight obligations, Mr. Speaker, Congress is tasked with protecting highly classified intelligence programs. It is absolutely critical for us to ensure that any oversight is conducted by Members and staff with the appropriate experience and expertise.

Now, this bill, in its current form, compromises that duty and outlines new procedures that have the potential to expose highly classified national security programs and information.

Now, during the Rules Committee hearing yesterday, an amendment was offered by the ranking member of the Permanent Select Committee on Intelligence, Mr. HOEKSTRA. And I just heard my friend from Fort Lauderdale, who has served very ably as a member of the Intelligence Committee, as well as on the Rules Committee, say that there is another amendment designed to address this.

But, frankly, I believe very strongly that the amendment that was filed in a timely manner by the gentleman from Michigan (Mr. HOEKSTRA) was one that was not made in order, and I believe really best takes on this issue of dealing with a better way to ensure the security of this important, very important information.

Now, Mr. Speaker, 10 amendments were offered at the Rules Committee, and while I commend the majority for making five of those 10 amendments in order, I do believe that an open rule would have been more appropriate. Give the Members of this body the opportunity to offer amendments to important pieces of legislation like this, not just on noncontroversial bills, which is what we have seen the open rule procedure used for in the past.

At the very least, Mr. Speaker, I think we should have made all 10 of the amendments that were submitted to the Rules Committee in order so that we could have had a free flowing debate on these, and we would have had a chance for people like the ranking member of the committee of jurisdiction here, the Oversight and Government Reform Committee, Mr. DAVIS, who served very ably as the chairman of that committee before we saw last November's election make this change. This former chairman, the now ranking member, sought to offer an amendment, and he also was denied a chance to offer that amendment.

I do commend my California colleague, Mr. WAXMAN, the distinguished chairman of the committee, as well as Mr. DAVIS, for their hard work and expertise on this very critical issue. Unfortunately, I believe that the bill does, as I say, fall short of that goal. The goal really is an important one, as I said, to ensure that whistleblowers help us meet our constitutional responsibility for oversight of the executive branch.

But the national security concerns that have been raised I think are such that, in its present form, I am not going to be able to support this measure.

So, Mr. Speaker, I do urge my colleagues to vote against this rule. And as I said, I am troubled enough that the bill itself, in its current form, is not legislation that I can support.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 3 minutes to my good friend and classmate, the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. I rise, Mr. Speaker, in strong support of the rule, H. Res. 239, and the underlying bill, H.R. 985, the Whistleblower Protection Enhancement Act.

And I want to commend, not only the Rules Committee for coming forward with a fair rule, but also Chairman WAXMAN and Ranking Member DAVIS for moving this important bill out of the Government Reform and Oversight Committee on which I serve.

The Whistleblower Protection Act has been weakened by court cases in recent years, and even the weak protections offered under the Whistleblower Protection Act do not apply to national security whistleblowers or contractors at those agencies.

The Oversight Committee repeatedly has heard from people who have had their security clearances revoked after blowing the whistle. In some cases they have been fired for pointing out lapses in security, for pointing out waste, fraud and abuse.

We have been told that wrongdoers have been allowed to continue their actions, while the whistleblowers have been the ones that have been made to suffer. This is absolutely wrong.

In the 109th Congress I was joined by my colleague, DIANE WATSON, in offering an amendment during the committee's consideration of the Federal Employee Protection of Disclosures Act, that would have extended whistleblower protections to employees in national security and in the intelligence community.

I would argue, and I believe many of my colleagues would agree, that revealing lapses in the security of our

Nation is a national security priority above all. Whistleblowers in these categories should be protected.

And I am thrilled that, under Democratic leadership, this has been included in the bill, that these protections have been extended to employees of intelligence agencies, and to Federal contractors in intelligence agencies. This is an important step forward for the American public. This is an important step forward, I would argue, for the national security of our country.

Whistleblowers are heroes and heroines. They should not be turned into villains and be harassed out of their jobs, denied their security clearance because they see a breach in security or a breach in accountability in our government.

So I am thrilled with this Democratic bill, and I urge my colleagues to vote for the rule and also for the underlying bill. I urge all of my colleagues to support it. It had bipartisan support coming out of our committee.

□ 1315

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank again my distinguished friend from Florida for his courtesy in yielding the time.

Mr. Speaker, we will oppose the previous question. If the previous question is defeated, I will offer an amendment to the rule to make in order the amendment offered yesterday in the Rules Committee by the gentleman from Michigan, the ranking member of the Permanent Select Committee on Intelligence, Mr. HOEKSTRA.

The Hoekstra amendment would safeguard our national intelligence and allow the Intelligence Committee to appropriately address whistleblower concerns through regular order. While the Tierney amendment which was made in order, as was pointed out by my good friend, attempts to address these concerns, it still allows the possible disemination, we believe, of highly sensitive information to individuals outside of the Intelligence Community and, therefore, may put our security at risk.

Mr. Speaker, I ask unanimous consent to insert the text of the Hoekstra amendment and extraneous materials immediately prior to the vote on the previous question.

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. At this time, Mr. Speaker, I urge all Members to oppose the previous question, and I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, the underlying legislation is desperately needed. Federal employees need to know that Congress is on their side. They need to know that their jobs will not be at risk if they choose to reveal fraud, abuse of power, neglect, or corruption in their workplace.

The extension of these whistleblower protections is absolutely critical to our national security and our government accountability. I am proud to support the underlying legislation and hope that my colleagues will do the same. This is a fair rule for a bill that is supported by Members from both sides of the aisle, including the chairman and ranking Republican of the Government Reform Committee.

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

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

AMENDMENT TO H. RES. 239

OFFERED BY REP. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 3. Notwithstanding any other provision of this resolution, the amendment printed in section 4 shall be in order as though printed as the last amendment in the report of the Committee on Rules if offered by Representative Hoekstra of Michigan or a designee. That amendment shall be debatable for 30 minutes equally divided and controlled by the proponent and an opponent.

SEC. 4. The amendment referred to in section 3 is as follows:

Strike section 10 of the bill and conform the table of contents accordingly.

Redesignate sections 11 through 14 as sections 10 through 13, respectively, and conform the table of contents accordingly.

In section 11(a)(2), as redesignated, strike ''section 2303a (as inserted by section 10)'' and insert ''section 2303''.

In section 13, as redesignated, strike ''section 12(a)(2)'' and insert ''section 11(a)(2)''.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of H. Res. 239, if ordered, and approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 224, nays 197, not voting 12, as follows:

[Roll No. 145]

YEAS—224

Abercrombie	Brady (PA)	Courtney
Ackerman	Braley (IA)	Cramer
Allen	Brown, Corrine	Crowley
Altmire	Butterfield	Cuellar
Andrews	Capps	Cummings
Arcuri	Capuano	Davis (AL)
Baca	Cardoza	Davis (CA)
Baird	Carnahan	Davis (IL)
Baldwin	Carney	Davis, Lincoln
Bean	Carson	DeFazio
Becerra	Castor	DeGette
Berkley	Chandler	Delahunt
Berry	Clarke	DeLauro
Bishop (GA)	Clay	Dicks
Bishop (NY)	Cleaver	Dingell
Blumenauer	Clyburn	Doggett
Boren	Cohen	Donnelly
Boswell	Conyers	Doyle
Boucher	Cooper	Edwards
Boyd (FL)	Costa	Ellison
Boyda (KS)	Costello	Ellsworth

Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—197

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Berman
Brown (SC)
Davis, Jo Ann
Granger
Kanjorski
McCarthy (CA)
Meehan
Meek (FL)
Miller, George
Ruppersberger
Saxton
Wynn

□ 1342

Ms. GINNY BROWN-WAITE of Florida, Mr. REYNOLDS, and Mrs. BACHMANN changed their vote from ''yea'' to ''nay.''

Ms. McCOLLUM of Minnesota and Mr. KUCINICH changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 223, nays 193, not voting 17, as follows:

[Roll No. 146]

YEAS—223

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

NAYS—193

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Castle
Chabot
Coble
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce

Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Brown (SC)
Buyer
Carter
Cole (OK)
Davis, Jo Ann
Eshoo
Farr
Ferguson
Granger
Meehan
Meek (FL)
Meeks (NY)
Miller, George
Peterson (MN)
Saxton
Scott (GA)
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1349

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. COLE of Oklahoma. Mr. Speaker, I was unavoidably absent for rollcall vote 146 on H. Res. 239, the rule to provide for consideration of H.R. 985. Had I been present, I would have voted "nay."

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 265, nays 157, answered "present" 1, not voting 10, as follows:

[Roll No. 147]

YEAS—265

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrett (SC)
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Frank (MA)
Gerlach
Giffords
Gillibrand
Gillmor
Gonzalez
Goodlatte
Gordon
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Peterson (PA)
Petri
Platts
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reichert
Reyes
Reynolds
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Turner
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—157

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Chabot
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Goode
Graves
Hastert
Heller
Hensarling
Herger
Hobson
Hulshof
Hunter
Inglis (SC)
Johnson, Sam
Kagen
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Larsen (WA)
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Matheson
McCarthy (CA)
McCotter
McHenry
McHugh
McKeon
Melancon
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Olver
Pearce
Pence
Perlmutter
Peterson (MN)
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shuster
Smith (NE)
Stearns
Stupak
Sullivan
Terry
Tiahrt
Tiberi
Udall (CO)
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—10

Brown (SC)
Carter
Davis, Jo Ann
Granger
Grijalva
Meehan
Miller, George
Saxton
Smith (TX)
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE.

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

□ 1359

So the Journal was approved.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRIES

Mr. WESTMORELAND. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman will state it.

Mr. WESTMORELAND. Mr. Speaker, I am sure you would like to join me in noting that clause 2(a) of rule XX provides that a recorded vote by electronic device shall not be held open for the sole purpose of reversing the outcome of such vote. On the previous question vote, Rollcall Vote No. 145, I would hope that you would agree that at the expiration of time for this vote the noes were prevailing. Is that true?

□ 1400

The SPEAKER pro tempore. The gentleman is correct that that particular clause says that a vote may not be held open for the sole purpose of changing an outcome.

In this case, the vote remained open to allow all Members to vote.

Mr. WESTMORELAND. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. WESTMORELAND. Could the Speaker tell me when an instance of the vote being held open would reverse the outcome if it is not when the "nays" are prevailing against the "yeas," or the "yeas" prevailing against the "nays," and the majority wants the outcome to be the exact opposite?

The SPEAKER pro tempore. The Chair is not going to respond to a hypothetical question.

Mr. WESTMORELAND. Sir, that is not a hypothetical.

PARLIAMENTARY INQUIRY

Mr. WESTMORELAND. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state a parliamentary inquiry.

Mr. WESTMORELAND. I am asking you a question about the House rules. If I am not correct, further parliamentary inquiry, you are the arbitrator of those rules; is that true?

The SPEAKER pro tempore. The gentleman is correct that the Chair may describe pending parliamentary situations.

Mr. WESTMORELAND. Further parliamentary inquiry. According to clause 2(a) of rule XX, it says that a recorded vote by electronic device shall not be held open for the sole purpose of reversing the outcome of such vote.

Mr. Speaker, my parliamentary inquiry to you is: When would this rule apply to a vote where, at the end of the time, the outcome was different than what the majority wanted it to be?

The SPEAKER pro tempore. The Chair would advise the gentleman that the rules address the duration of votes in terms of minimum times; 15 minutes is a minimum time, not the maximum. A vote ultimately is called at the Chair's discretion, trying to accommodate all Members who wish to vote.

Mr. WESTMORELAND. Further parliamentary inquiry, Mr. Speaker.

We are talking about a single vote. We are talking about the previous question vote, rollcall No. 145, which was held open past the 15-minute mark to change the outcome. If clause 2(a) of rule XX does not apply to that, what would it apply to?

The SPEAKER pro tempore. The Chair is prepared to elucidate as follows:

It is true that under clause 2(a) of rule XX, a vote by electronic device ''shall not be held open for the sole purpose of reversing the outcome of such vote.''

In conducting a vote by electronic device, the Chair is constrained to differentiate between activity toward the establishment of an outcome on the one hand, and activity that might have as its purpose the reversal of an already-established outcome, on the other.

The Chair also must be mindful that, even during a vote by electronic device, Members may vote by card in the well. So long as Members are recording their votes—even after the minimum period prescribed for a given question—the Chair will not close a vote to the disenfranchisement of a district whose representative is trying to vote.

Mr. WESTMORELAND. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. WESTMORELAND. Mr. Speaker, what you just read, is that in the rules?

The SPEAKER pro tempore. That is the Chair's elucidation of the rule.

Mr. WESTMORELAND. So it is the Chair's interpretation of the rule, of clause 2(a) of rule XX; it is the Chair's interpretation that the vote can be held open to reverse the outcome of the vote?

The SPEAKER pro tempore. The statement of the Chair speaks for itself. It is the responsibility of the Chair to see to it that each and every Member of the House of Representatives who responds to the vote has a chance to record his or her vote.

Mr. WESTMORELAND. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. WESTMORELAND. Could the Speaker answer me why we have a time limit on votes?

The SPEAKER pro tempore. The 15-minute time period is not a limit. It is a minimum duration. After that, it is in the discretion of the Chair in order to allow all Members a reasonable opportunity to vote.

MOTION TO ADJOURN

Mr. WESTMORELAND. Mr. Speaker, I move we adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Georgia (Mr. WESTMORELAND).

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

RECORDED VOTE

Mr. WESTMORELAND. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 142, noes 258, not voting 33, as follows:

[Roll No. 148]

AYES—142

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
Ehlers
Emerson
English (PA)
Fallin
Fattah
Feeney
Ferguson
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goodlatte
Graves
Hastert
Hayes
Heller
Hensarling
Hobson
Hunter
Inglis (SC)
Jindal
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Lamborn
Latham
LaTourette
Lewis (KY)
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Pickering
Pitts
Poe
Porter
Price (GA)
Putnam
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Sali
Schmidt
Sensenbrenner
Sessions
Shays
Shimkus
Shuster
Smith (NE)
Smith (TX)
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—258

Abercrombie
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Butterfield
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dingell
Doggett
Donnelly
Doyle
Dreier
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Everett
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Giffords
Gillibrand
Gillmor
Gonzalez
Goode
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Platts
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Rogers (KY)
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson

Watt	Wexler	Wynn
Waxman	Whitfield	Yarmuth
Weiner	Wilson (OH)	Young (AK)
Welch (VT)	Woolsey	
Weller	Wu	

NOT VOTING—33

Ackerman	Forbes	Meehan
Boyda (KS)	Granger	Miller (FL)
Brown (SC)	Hastings (WA)	Miller, George
Camp (MI)	Hulshof	Olver
Capps	Jefferson	Radanovich
Davis, Jo Ann	Johnson, Sam	Rogers (AL)
Deal (GA)	LaHood	Ryan (WI)
Delahunt	Larson (CT)	Saxton
Dicks	Linder	Shadegg
Farr	Mack	Stark
Flake	McCrery	Weldon (FL)

□ 1428

Messrs. KUHL of New York, BAIRD, SCOTT of Georgia, MCNERNEY, PAYNE, RAHALL, ISSA, POMEROY and FRANK of Massachusetts changed their vote from ''aye'' to ''no.''

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

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

WHISTLEBLOWER PROTECTION ENHANCEMENT ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 239 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 985.

□ 1429

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 985) to amend title 5, United States Code, to clarify which disclosures of information are protected from prohibited personnel practices; to require a statement in nondisclosure policies, forms, and agreements to the effect that such policies, forms, and agreements are consistent with certain disclosure protections, and for other purposes, with Mr. PASTOR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 1 hour and 20 minutes, with 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Oversight and Government Reform and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security.

The gentleman from Iowa (Mr. BRALEY) and the gentleman from Virginia (Mr. TOM DAVIS) each will control 30 minutes, and the gentleman from Pennsylvania (Mr. CARNEY) and the gentleman from Connecticut (Mr. SHAYS) each will control 10 minutes.

The Chair recognizes the gentleman from Iowa.

□ 1430

Mr. BRALEY of Iowa. Mr. Chairman, I yield myself such time as I may consume.

I am proud to be here today to bring to the floor of the House of Representatives, H.R. 985, the Whistleblower Enhancement Protection Act of 2007. A month ago today this important bill passed the House Committee on Oversight and Government Reform unanimously by a vote of 28–0. I strongly support the bill, and I hope it will receive a similar level of bipartisan support on the floor of the House of Representatives today. We need to send a strong message that protecting the rights of whistleblowers is not a Democratic issue, it is not a Republican issue, it is an issue that impacts the lives and the safety of every American citizen.

Whistleblowers have long been instrumental in alerting the public and the Congress to wrongdoing in Federal agencies. In many cases, the brave actions of whistleblowers have led to positive changes that have resulted in more responsible, safe and ethical practices. In some instances, the actions of whistleblowers have even saved lives.

Unfortunately, despite the importance of whistleblowers in ensuring government accountability and integrity, court decisions by the U.S. Court of Appeals for the Federal Circuit have undermined whistleblower protections and have unreasonably limited the scope of disclosures protected under current law.

The hearings that Chairman WAXMAN and Ranking Member DAVIS have been holding in the Committee on Oversight and Government Reform in the 110th Congress have highlighted the need for expanded protections for workers who shed light on wrongdoing by government agencies and departments. Several hearings held by the committee have helped uncover waste and fraud in government contracting, both here in the United States, and in Iraq, waste and fraud which has led to the loss of billions of taxpayer dollars and has jeopardized the safety of Americans here at home and those serving abroad.

At another hearing, we learned that some officials in the Bush administration have sought to manipulate Federal climate science, compromising the health and safety of American families and the future of the planet solely for political gain.

Perhaps the starkest reminder of the need to protect those who remain silent in the face of government wrongdoing came at last week's hearing at Walter Reed, at which we learned about the terrible living conditions and bureaucratic hurdles that soldiers have endured there.

At the hearing, it became clear that nobody dared to complain about the squalid living conditions and inadequate care at what is supposed to be the best military facility in the world because of fear of retribution.

Because of this fear, it took an expose by a newspaper in order for action to be taken on these severe and systemic problems, and many of our Nation's heroes had to suffer there for far too long.

The Whistleblower Protection Enhancement Act of 2007 makes important changes to existing law that will strengthen protections for government workers who speak out against illegal, wasteful and dangerous practices.

The bill protects all Federal whistleblowers by clarifying that any disclosure pertaining to waste, fraud or abuse, ''without restriction as to time, place, form, motive, context or prior disclosure,'' and including both formal and informal communications, is protected.

The bill also gives whistleblowers access to timely action on their claims, allowing them access to Federal district courts if the Merit Systems Protection Board does not take action on their claims within 180 days.

In addition, the bill clarifies that national security workers, employees of government contractors, and those who blow the whistle on actions that compromise the integrity of Federal science are all entitled to whistleblower protection.

As we continue to fight terrorism and other national security threats, this landmark legislation will give whistleblower protections to national security whistleblowers for the first time. It may be hard to believe, but currently employees at key government agencies in charge of protecting the United States, including the FBI, the CIA, and the Transportation Security Administration, are excluded from whistleblower protections.

These are the employees who work every day to keep our country safe and secure. These workers deserve to have the same protection as other Federal employees, and the American public deserves to know that workers who come forward with information that is essential to national security will not be punished for helping to keep us safe.

A good example is former FBI agent Coleen Rowley, Time magazine's Person of the Year in 2002. Special Agent Rowley graduated from Wartburg College in Waverly, Iowa, which is located in my district. Like me, she received her law degree from the University of Iowa College of Law. She is married and has four children.

After the terrorist attacks on 9/11, Special Agent Rowley wrote a paper for the Director of the FBI, which laid out in detail how personnel at FBI headquarters failed to take action on concerns raised by the Minneapolis field office concerning its investigation of suspected terrorist Zacarias Moussaoui. These failures, identified by Special Agent Rowley, could have left the United States vulnerable to September 11 attacks in 2001. Special Agent Rowley later testified before the Senate and the 9/11 Commission about these very same concerns.

Following those hearings, Iowa Senator CHUCK GRASSLEY, a Republican

who has been a proponent of whistleblower protection, pushed for a major reorganization at the FBI, resulting in the creation of the Office of Intelligence, which significantly expanded FBI personnel with counterterrorism and foreign language skills.

Senator GRASSLEY commended the actions of Rowley, saying on the floor of the Senate last June, ''in typical FBI fashion, the missteps from 9/11 would have been swept under the rug if it weren't for whistleblowers like Coleen Rowley . . . it looks to me like she's the only one who did anything to make sure the FBI was held responsible for its lack of responsiveness.''

The Whistleblower Protection Enhancement Act also ensures that employees who work for companies that have government contracts are protected when they report waste, fraud, and abuse of taxpayer dollars. This provision is especially important, considering the use of private contractors by the United States Government has reached an all-time high, and that spending on Federal contracts has almost doubled since 2000, reaching $400 billion in 2006.

Private companies with government contracts are now performing some of the most important work of the government, including protecting civilian workers in Iraq and ensuring the safety of American citizens in the United States. This bill will help ensure that employees of government contractors, who report on the abuse of taxpayer dollars or other wrongdoing, do not have to fear the loss of their jobs or other retribution.

Finally, Mr. Chairman, this bill clarifies that employees who blow the whistle on political interference in Federal scientific research and reports are also entitled to whistleblower protections. It is essential that we have the best and most accurate scientific research and information that is possible.

Americans trust that their tax money is funding thorough and adequate scientific studies that are free from political interference or manipulation. As lawmakers, we also depend on accurate and unbiased scientific information to make policy decisions that will impact the lives and futures of American families.

Protecting government researchers who report actions or policies that compromise the accuracy and integrity of Federal science is critical to ensuring the public and the lawmakers are able to make wise and informed decisions that affect our lives now and will have repercussions far into the future.

I would like to thank Chairman WAXMAN and Ranking Member DAVIS for their work on this bill in the Committee on Oversight and Government Reform.

Again, I strongly urge my colleagues to support the passage of the Whistleblower Enhancement Protection Act today.

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, today, we take up the Whistleblower Protection Enhancement Act of 2007. This legislation would modernize, clarify, and expand the laws protecting Federal employees who blow the whistle on waste, fraud, and mismanagement in the Federal Government.

At the outset, I think it is important to thank my colleague from Pennsylvania (Mr. PLATTS). Throughout this process, Mr. PLATTS has been an unwavering advocate for Federal employees. This bill would not exist today in this form if not for his steady leadership.

Almost immediately following the 1994 changes in the Whistleblower Protection Act, it became clear that the Federal Circuit Court of Appeals would continue to create loopholes where no loopholes were intended and dilute protections for whistleblowers Congress clearly intended to protect.

This bill we are considering today develops a new regime governing whistleblower protections and offers fresh solutions to the continuing problem of employee retaliation. I am proud this legislation would allow Federal employees and contractor personnel to pursue their claims in the Federal district court, to be heard before a jury of their peers, if no action is taken by the Merit Systems Protection Board within 180 days.

Under current law, cases filed by employees who believe they have been retaliated against for blowing a whistle can sometimes end up languishing before the MSPB for years before a final decision is issued. H.R. 985 would change the process and allow Federal employees to reach resolution on this issue one way or the other.

I am disappointed, however, the Rules Committee did not make in order my amendment to remove from the bill language which would provide for an ''all circuits'' review of whistleblower claims.

My amendment would have tried to maintain the uniformity in the consideration of whistleblower cases in the Federal courts by keeping in place the current requirement that all whistleblower appeals go through the United States Court of Appeals for the Federal Circuit, rather than opening up appeals to all circuits.

Without my amendment, Federal employee whistleblowers could end up possessing a different set of rights and protections based on where they file their claim. For example, a Border Patrol agent in Texas could be protected by a different set of whistleblower protections than a Border Patrol agent in Maine.

I think the underlying legislation already provides sufficient reforms to the whistleblower protection laws by revising the statute under which the Federal Circuit reviews whistleblower claims. Going further in this legislation, removing the requirement that all appeals must go through one Federal appeals court, is going to, in the long term, be counterproductive to our policies governing Federal employment.

I am also interested in the amendment dealing with national security whistleblowers Mr. HOEKSTRA filed at Rules, but was not made in order. While I supported the language Mr. HOEKSTRA's amendment sought to strike, I understand many members from the intelligence-related committees and officials in the intelligence community have concerns which I believe need to be addressed before this bill moves on to the Senate.

One additional concern I would like to mention is with section 13 of the bill. Section 13 would open a whole new area of personnel conflicts to whistleblower protections. This new language, added to the bill this year, would make influencing federally funded scientific research a prohibited personnel practice by specifically identifying the dissemination of false or misleading scientific or medical or technical information as an ''abuse of an authority'' that is actionable in Federal court.

Rather than acknowledging the natural and perfectly healthy tension that exists between science and policymaking, this section would submit the ''science versus ethics'' issue to the Federal courts to be litigated as a personnel issue.

Unlike many on the Democratic side of the aisle who believe only scientific findings should serve as the foundation for public policy and decisionmaking, I believe science is just one cog in the policy decisionmaking process. Science must be balanced against factors such as the morals of our society and the ethics of individual policymakers, as well as countless other policy considerations. As I have said before, I don't believe we should turn the tension between science and policymaking into a personnel matter that gets litigated by the courts.

In closing, I believe the underlying legislation makes a number of important positive contributions to Federal whistleblower policy, and I support this bill.

While I believe we can still make a few refinements to the bill to make it better, I applaud Mr. PLATTS' and Mr. WAXMAN's efforts to move this bill forward.

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

Mr. BRALEY of Iowa. Mr. Chairman, I yield 5 minutes to the chairman of the committee, Mr. WAXMAN of California.

Mr. WAXMAN. I thank the gentleman from Iowa for yielding me the time and for managing this bill. He has played a very important role in the committee in the formulation of this legislation and is far more knowledgeable than many of us because he has had experience in bringing whistleblower lawsuits as an attorney.

Mr. Chairman, this bill that we are considering at this time would

strengthen one of our most important weapons against waste, fraud and abuse, and that is Federal whistleblower protections. Protecting whistleblowers is a key component of government accountability.

Federal employees are on the inside. They can see where there is waste going on or if there is corruption going on. They can see the signals of incompetent management, and what we want is to enable them to let us know, those of us in Congress, about these kinds of problems. So this bill would give them the protections to come forward and, in effect, blow the whistle on what they know is going on and is not right to be continued.

But I want to emphasize that one of the most important provisions of H.R. 985 protects national security whistleblowers.

□ 1445

It is impossible to overstate how essential this provision will be. Now, there may be an attempt to try to strike this provision, and I want to make clear to my colleagues why they should not be misled into voting for such a motion.

There are a lot of Federal officials who knew the intelligence on Iraq was wrong. Officials in the CIA and the State Department knew that Iraq did not try to import uranium from Niger. Officials in the Energy Department knew the aluminum tubes were not suitable for nuclear centrifuges. Other officials knew the information from ''Curveball,'' the so-called informant that turned out to be inaccurate, but the information that he was spreading about so-called mobile weapons labs were completely bogus.

But none of these officials would come forward. In fact, none of them could come forward to Congress and share their doubts. If they did, they could have been stripped of their security clearances, or they could have been fired.

And we all know what the result has been. Nobody blew the whistle on the phony intelligence that got us into the Iraq war.

It is imperative that national security employees be protected against retribution so they will not be afraid to report national security abuses to Members of Congress. When the intelligence is wrong, the consequences for our Nation can be immense.

H.R. 985 also extends whistleblower protections to employees of Federal contractors. Every year, Federal contractors do more and more of the government's work. In 2005, nearly 40 cents of every Federal dollar, outside of the entitlements, went to private companies. We need to encourage the employees of these private companies to report wasteful spending.

We heard testimony in our Oversight Committee about a Halliburton truck driver, not just one but many of them, who were told, if they had a flat tire or some mechanical problem, not to worry about it, torch the truck. They will just go and buy another one. After all, these were cost-plus contracts.

Well, this abuse was so wanton that one of the truck drivers finally blew the whistle. But rather than being protected for speaking out for the American taxpayer, he was fired.

Finally, passage of this bill would stop this kind of intimidation. This legislation includes an important provision that will help check the growing problem of political interference with science. It gives explicit provisions to protect the Federal employee who reports instances where Federal scientific research is suppressed or distorted for political reasons.

Don't buy the argument that this should be struck. We ought to protect scientists from those that would try to suppress or distort their scientific work.

The bill is bipartisan. It was cosponsored by Ranking Member and former Chairman TOM DAVIS of the Oversight Committee and former subcommittee Chair TODD PLATTS. It passed unanimously last month by the Committee on Oversight and Government Reform.

It is carefully crafted legislation that protects both our national security and the interests of the American taxpayer, and I urge its adoption.

Mr. Chairman, I am including with my statement copies of letters between my Committee, Oversight and Government Reform, and the Committee on Homeland Security regarding jurisdiction.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, March 14, 2007.

Hon. HENRY WAXMAN,
Chairman, Oversight and Government Reform Committee, Washington, DC.

DEAR HENRY: I am writing you considering the jurisdictional interest of the Commttee on Homeland Security in H.R. 985, the ''Whistleblower Protection Enhancement Act of 2007.'' Section 12 of this legislation provides whistleblower protections to Transportation Security Administration (TSA) employees. Under House Rule X, the Committee on Homeland Security has jurisdiction over the ''[t]ransportation security activities'' of the Department of Homeland Security and ''[o]rganization and administration of the Department of Homeland Security.'' As a result, the Committee on Homeland Security has a jurisdiction interest in section 12 of the bill. Moreover, the Committee on Homeland Security received a sequential referral of a nearly identical bill, H.R. 1317, the Federal Employee Protection of Disclosures Act, legislation that was introduced by Rep. Todd Platts (R–PA) in the 109th Congress. Although the Committee on Homeland Security has sought a sequential referral of H.R. 985, the Committee agrees to discharge the legislation in the interest of clearing this measure as expeditiously as possible for consideration in the House.

As a condition to our agreement to forgo a markup of this legislation, you have agreed to include report language to accompany the bill that clarifies the congressional intent behind that the term ''public safety'' in 5 U.S.C. 2302 (b)(1),(8), and (9), as amended by H.R. 985, is meant to cover ''national security'' and ''homeland security.'' This clarification will ensure that TSA employees who report security risk, in addition to safety risks or mismanagement issues, will still receive the whistleblower protections granted under the bill. Additionally, you have agreed to include report language to accompany Section 10 of the bill to ensure Department of Homeland Security employees who work on intelligence and information-sharing matters are covered by the ''National Security Whistleblower Rights'' granted under that section.

Our agreement not to hold a markup is also conditioned upon our mutual understanding that our decision to waive further consideration does not, in any way, reduce or otherwise affect the jurisdiction of the Committee on Homeland Security over provisions of the bill. Additionally, you have agreed to support the request of the Committee on Homeland Security to have its members named as conferees in the event of a conference with the Senate on this bill.

I ask that you please include in the Congressional Record during consideration on the floor, a copy of this letter and a copy of your response acknowledging the Committee on Homeland Security's jurisdictional interest in this bill and indicating your support of our agreement expressed in this letter.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, March 13, 2007.

The Hon. BENNIE G. THOMPSON,
Chairman, House Committee on Homeland Security,
Washington, DC.

DEAR CHAIRMAN THOMPSON, I am writing regarding your Committee's jurisdictional interest in H.R. 985, the Whistleblower Protection Enhancement Act of 2007. I appreciate your cooperation in waiving consideration of the bill by the Committee on Homeland Security in order to allow consideration of the legislation on the House floor later this week.

I recognize that your Committee has a valid jurisdictional interest in section 12 of H.R. 985, as ordered reported by the Committee on Oversight and Government Reform. Your decision to forego a markup should not prejudice the Committee on Homeland Security with respect to its jurisdictional prerogatives on this or similar legislation. I will support your request for an appropriate number of conferees should there be a House-Senate conference on this or similar legislation.

I have included report language at your request that states that under the bill, Transportation Security Administration workers can report dangers to public health and safety, including those regarding or relating solely to homeland or national security. Also, the report states that the national security whistle blower section of the bill provides whistleblower rights to those individuals whose job functions make them eligible for the protections of this section even though their agencies are not specified, such as intelligence analysts and information sharing employees with access to classified information within the Department of Homeland Security's Office of Intelligence and Analysis.

Finally, I will include a copy of your letter and this response in the Congressional Record when the legislation is considered by the House.

Thank you for your assistance.

Sincerely,

HENRY A. WAXMAN,
Chairman.

Mr. PLATTS. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan (Mr. HOEKSTRA), the distinguished

ranking member of the House Permanent Select Committee on Intelligence.

Mr. HOEKSTRA. Mr. Chairman, I appreciate the efforts to enhance protection for whistleblowers in the intelligence community, a goal that I wholeheartedly endorse. It is important that personnel within the intelligence community have appropriate opportunities to bring matters to Congress so long as the mechanisms to do so safeguard highly sensitive classified information and programs. The bill before us raises significant issues in doing so that need more considered review.

As chairman of the Permanent Select Committee on Intelligence during the last Congress, I learned firsthand from whistleblowers about intelligence programs that the administration had not reported to the Intelligence Committees, despite its statutory duty to keep us fully and currently informed. I communicated my strong concerns directly to the President. I would vigorously defend the individuals who provided me with this important information from even the slightest reprisal.

So I strongly support the underlying intention of the provisions of the bill intended to protect the intelligence community. Unfortunately, however, that part of the bill was not coordinated with HPSCI, and it suffers from a number of problems that I believe need to be fixed.

First, the bill would conflict with the provisions of the existing Intelligence Community Whistleblower Protection Act of 1998, which has already provided specific mechanisms to permit whistleblowers to come to Congress, while simultaneously protecting sensitive national security information from unauthorized disclosure to persons not entitled to receive it.

Second, the bill violates the rules of the House by encouraging intelligence community personnel to report highly sensitive intelligence matters to committees other than the Intelligence Committees, which were created to solely and appropriately deal with and safeguard information regarding sensitive intelligence programs.

This is simply not a jurisdictional issue. The real issue is one of protecting highly classified intelligence programs and ensuring that any oversight is conducted by Members and staff with the appropriate experiences, expertise, and clearances. Our intelligence oversight should be conducted to determine how best to enhance our national security, protect civil liberties, and not to get press coverage.

Third, this bill would make every claim of a self-described whistleblower, whether meritorious or not, subject to extended and protracted litigation. It would also substantially alter the application of the judicially established state secrets privilege in those cases, forcing the government to choose between revealing sensitive national security information to defend itself or losing in court. Judges recognized the privilege precisely because they understood that such a Hobson's choice is fundamentally improper and unfair and could harm national security interests. The current law works to screen frivolous whistleblower claims and recognizes that our national security interest should not be managed by lawsuit. Those considerations must continue to be protected.

I agree very strongly with the principle that intelligence community whistleblowers should be protected from reprisal, and would look forward to working with the Oversight and Government Reform Committee to accomplish this goal. However, until those changes are made, and those issues are addressed, I would encourage my colleagues to vote ''no'' on this bill.

Mr. BRALEY of Iowa. Mr. Chairman, I yield 4 minutes to my distinguished colleague from Maryland, Mr. CUMMINGS.

Mr. CUMMINGS. Mr. Chairman, I rise in support of the Whistleblower Protection Enhancement Act of 2007, which I have cosponsored.

To say the least, this administration has not prioritized openness in government, and I was not surprised to learn that the President is opposed to the Whistleblower Protection Enhancement Act.

I am similarly not surprised to learn that the President and many of his colleagues here in the Congress have threatened that by affording our Federal employees whistleblower protections, we are also threatening national security. This administration has consistently used security threats to strike fear into the public's consciousness.

But let me be clear: Claims that the legislation we are considering here today would threaten national security are baseless. If anything, the opposite is true.

As a member of the House Armed Services Committee, I know how vitally important it is for Federal officials to be able to share their knowledge and their firsthand experience with the Congress. We now know that, going into the Iraq war, Federal officials at the CIA and the State Department were aware that the pre-war intelligence about Iraq purporting to show that the nation had weapons of mass destruction was wrong.

Thousands of Americans and Iraqi lives and billions of American taxpayer dollars could have been saved if these individuals had been able to share their knowledge with a Congress willing to listen to them and protect them from retribution. But, lacking whistleblower protections, they were afraid to do so.

Recognizing the critical need for Federal employees to communicate openly with the legislative branch, Congress in 1912 enacted the Lloyd-LaFollette Act. And that act, which has never been repealed, by the way, affords all Federal employees, including employees at the national security agencies, the right to contact Members of Congress.

The statute states as follows: ''The right of employees, individually or collectively, to petition the Congress or a Member of Congress or to furnish information to either House of Congress or to a committee or Member thereof may not be interfered with or denied.''

The statute's language was intentionally drafted to be broad because Congress recognized in 1912, as we recognize today, the compelling need for Federal employees to exercise their rights to free speech.

But the law clearly does not go far enough. Consider the case of FBI Special Agent Bassem Youssef. According to a Washington Post article from July 18, 2006, an internal investigation conducted by the United States Justice Department concluded that Youssef, the FBI's highest ranking Arabic speaker, was blocked from a counterterrorism assignment in 2002 after he had met with U.S. Representative WOLF and met with FBI Director Mueller to discuss Youssef's complaints with regards to the way the war on terror was being conducted.

Mueller had approved a transfer for Youssef just days before the meeting, but it never occurred and Youssef was never informed of Mueller's decision, according to the report.

Investigators also said that the FBI has provided no rationale or basis for its failure to promote Youssef, although one former senior FBI manager said Mueller was appalled that Youssef had complained to a Congressman about his treatment.

Because of this retaliation, we lost 4 years of expertise for the war on terror from a highly qualified Arab American agent. Once the FBI's top Arabic translator, Youssef is now simply processing documents.

Under current law, Youssef cannot pursue legal action for the retaliation. The Whistleblower Protection Enhancement Act of 2007 would rectify this situation.

Congress has a mandate to oversee the functions of the executive branch to ensure that government runs as effectively and efficiently as possible, but we cannot fulfill this mandate if we cannot get reliable information, and we cannot get that information if people must put their lives and careers on the line.

Mr. PLATTS. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, H.R. 985, the Whistleblower Protection Enhancement Act, is a bipartisan bill which seeks to restore protections for civil servants who report illegalities, gross mismanagement and waste, and substantial and specific dangers to the public health and safety.

H.R. 985 contains many of the provisions of legislation which I introduced during the 109th Congress, H.R. 1317. It represents consensus language crafted through bipartisan negotiations among myself, Chairman WAXMAN, Ranking Member DAVIS, Representative VAN

HOLLEN, as well as the majority and minority staffs of the Oversight and Government Reform Committee, and interested stakeholders groups such as the Government Accountability Project. I certainly would like to thank all who have been involved in this process.

To provide context for the legislation we are considering today, it is important to review the legislative history in the area of whistleblower protections for Federal employees.

As a result of finding that the civil service protections of the time were inadequate, Congress, in the first Bush administration, enacted into law the Whistleblower Protection Act, WPA, of 1989, which expressly stated that ''any protected disclosure of waste, fraud and abuse by a Federal employee is covered by the law.''

Unfortunately, as interpreted by the Merit Systems Protection Board and the Federal circuit court, loopholes began to develop in the WPA. Accordingly, Congress strengthened the law in 1994.

It is noteworthy that the report accompanying the WPA Amendments of 1994 expressed great frustration with the way the WPA was being interpreted. According to the report, it states, ''Perhaps the most troubling precedents involved the Board's inability to understand that 'any' means 'any.' The WPA protects any disclosure evidencing a reasonable belief of specified misconduct, a cornerstone to which the MSPD remains blind.

□ 1500

''The only restrictions are for classified information or material, the release of which is specifically prohibited by statute. Employees must disclose that type of information through confidential channels to maintain protection. Otherwise, there are no exceptions.''

Unfortunately, we are once again largely back to where we started. Since the 1994 amendments, 177 whistleblower cases have come before the Federal Circuit Court; however, only two whistleblowers have prevailed. Among the reasons are a number of decisions which have continued to create exceptions to the law, including decisions stating that an employee is not protected by the WPA if the employee directs criticism to other witnesses or a supervisor in an attempt to start the process of challenging misconduct, or the information disclosed was done in the course of the employee's ordinary job duties, or the information disclosed has already been raised by someone else.

In addition, the Federal Circuit Court has stated in one case that: For a Federal employee to reasonably believe there is evidence of waste, fraud, and abuse, as required by the law, he or she must overcome with irrefragable proof the presumption that the agency was acting in good faith.

This is an unheard of legal standard, defined in the dictionary as ''impossible to refute.'' In other words, the agency pretty much has to admit to the waste, fraud, or abuse.

H.R. 985 would clarify congressional intent that any whistleblower disclosure includes disclosures ''without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of the employee's duties.'' In addition, H.R. 985 would end any uncertainty about the irrefragable proof standard, making it clear that the ''substantial evidence standard'' applies to all five categories for legally protected whistleblowing disclosures. Appellate courts could not impose additional burdens for a particular category, as I understand occurred in the case of White v. Department of Air Force with respect to ''gross mismanagement.''

Other provisions within H.R. 985 which are either identical or similar to provisions within previous versions of this legislation include:

Allowing employees the option to have their claims decided in Federal District Court if the Merit Systems Protection Board does not act on a claim within 180 days;

Ending the monopoly jurisdiction of the United States Court of Appeals for the Federal Circuit over appeals under the Whistleblower Protection Act;

Conducting a GAO study on the revocation of security clearances in retaliation for whistleblowing;

Extending whistleblower protections to the Transportation Security Administration baggage screeners;

Enhancing whistleblower protections for employees of government contractors;

Codifying an anti-gag rule that was first included in the Treasury Appropriations bill for 1988 and every year thereafter; and,

Continuing protections for whistleblowers who were subjected to prohibited personnel actions prior to their agency or unit being exempted from the WPA.

In conclusion, I would like to once again thank each of the parties who have been involved in the ongoing development of this critically important legislation. I would also like to thank those courageous citizens who have blown the whistle on waste, fraud, and abuse in the Federal Government. If we truly want to eliminate waste, fraud, and gross mismanagement throughout the Federal Government, then we need to empower and protect our Federal employees who are on the front lines of government operations and best positioned to witness this waste, fraud, and gross mismanagement. This legislation provides such empowerment and protection. I urge a ''yes'' vote.

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

Mr. BRALEY of Iowa. Mr. Chairman, I thank the gentleman for his insightful comments, and I reserve the balance of my time.

Mr. PLATTS. Mr. Chairman, does the gentleman from Iowa have any additional speakers?

Mr. BRALEY of Iowa. Yes.

Mr. PLATTS. Mr. Chairman, I will then continue to reserve the balance of my time.

Mr. BRALEY of Iowa. Mr. Chairman, I yield 3½ minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman for his leadership, and I thank all of the cosponsors that have brought this legislation, H.R. 985, to the floor, Representatives HENRY WAXMAN, TODD PLATTS, CHRIS VAN HOLLEN, and THOMAS DAVIS, and certainly a number of the total of 29 cosponsors, and the fact that this committee voted the whistleblower protection out unanimously.

We who are members of the Homeland Security Committee, along with Chairman THOMPSON, and I know we have been working on this with the ranking member as well, stand in support of this legislation. I know that we will be yielded time shortly, but I am delighted to be able to share my thoughts on the importance of H.R. 985, which would extend whistleblower protection to Federal workers who specialize in national security issues. It would also ensure that employees who work for companies with government contracts are protected when they report waste, fraud, and abuse of U.S. taxpayer dollars.

Protecting scientific whistleblowers, this legislation would extend whistleblower protection to Federal employees who disclose actions related to the validity of federally funded scientific research and analysts. Many of us recognize and remember the Los Alamos incident of a couple years ago still was never, if you will, explored and never settled.

This also would override several court and administrative decisions that undermine existing whistleblower protection, provide whistleblower access to Federal District Courts if the Merit Systems Protection Board or the Inspector General does not take action on their claims within 180 days.

This is good news to the Homeland Security Department and particularly the transportation security officers. Contrary to assertions by the opponents of the bill, TSOs do not have any meaningful whistleblower rights. The truth is, TSOs do not enjoy full whistleblower protection; specifically, transportation security officers enjoy little more than minimal whistleblower protections deriving from a memorandum of understanding entered into when the TSA was still part of the Department of Transportation. Under the MOU, screeners can only bring a claim to the office of a special counsel; they do not have the right of appeal or to seek independent review by another agency or court.

It is important to note that in 2004 the Merit Systems Protection Board

ruled in a case, Schott v. Department of Homeland Security, that the Homeland Security Act does not provide TSA screeners the right to bring a claim before the MSPB, even though such rights were enjoyed by all other department employees.

This is crucial. I have been working on this issue for quite a while. The No Fear Act, which indicated or had to do with discrimination against workers at the Environmental Protection Agency, generated, even though it is a bill on discrimination of Federal employees that generated from whistleblower employees at the Environmental Protection Agency that didn't have the necessary protection to talk about issues that dealt with regular issues of research, but also on the issue of security. Let me quickly say that the EPA had a similar problem where it also faced no protection of those employees, and the No Fear Act came out of that which had to do with racial discrimination against Federal employees.

But NASA, for example, legislation that I wrote dealing with the International Space Station to give protection to NASA employees to save lives and also to protect them in case of issues that they were dealing with relating to national security.

All employees should feel free to tell the truth. All employees should be protected, particularly Federal employees, particularly in this time in the backdrop of 9/11. Tell the truth, be protected, and the whistleblower protection will allow us to run this country in the right way, save lives, and have employees that are Federal Government employees gives us the fact so we can do the right thing. Support H.R. 985.

Mr. Chairman, I rise today in strong support of H.R. 985, the "Whistleblower Protection Enhancement Act of 2007," which extends whistleblower protections to federal employees and contractors working in the area of national security and intelligence, including screeners at the Transportation Security Administration (TSA).

Mr. Chairman, there is a tremendous need to protect our best sources for identifying waste fraud and abuse—federal workers and contractors. H.R. 985 treats Transportation Security Officers (TSOs), sometimes called "screeners," the same as all other Department employees by giving them full whistleblower protections, which TSOs currently do not have.

Mr. Chairman, contrary to assertions by opponents of the bill, TSOs do not have any meaningful whistleblower rights. The truth is TSOs do not enjoy full whistleblower protections. Specifically, TSOs enjoy little more than minimal whistleblower protections deriving from a Memorandum of Understanding (MOU) entered into when TSA was still part of the Department of Transportation.

Under this MOU, screeners can only bring a claim to the Office of Special Counsel; they do not have a right of appeal or to seek independent review by another agency or court.

Mr. Chairman, in 2004, the Merit Systems Protection Board (MSPB) ruled in Schott v. Department of Homeland Security, that the Homeland Security Act does not provide TSA screeners the right to bring a claim before the MSPB, even though such rights were enjoyed by all other Department employees.

Thus, as you can see Mr. Chairman, TSOs are treated differently than other Department of Homeland Security personnel—including fellow employees within TSA.

This bill allows a whistleblower to seek relief in federal circuit court, if his or her claim has not been acted upon within 6 months. In addition, H.R. 985 permits the whistleblower to bring an appeal on their case to any federal circuit court of appeals having in personam jurisdiction, not just the Court of Appeals for the Federal Circuit as is the case under current law.

I am also pleased that this bill provides the same rights to the Department's Office of Intelligence and Analysis employees as it does to intelligence employees in other agencies. I do not have to tell you, Mr. Chairman, that whistleblowers in the intelligence community must be careful when they disclose certain information.

H.R. 985 set forth procedures which enable whistleblowers to assert their claims, while at the same time adequately protecting any sensitive or classified information involved with such claims.

Mr. Chairman, I note that H.R. 1, which passed the House in January, seeks to improve the poor morale problem at TSA by giving TSO employees whistleblower and collective bargaining rights. These collective bargaining rights are comparable to other law enforcement officers and others within the Department, such as the Border Patrol, Customs and Border Protection Officers.

Mr. Chairman, as a senior member of the Homeland Security Committee and chair of the Subcommittee on Transportation Security and Infrastructure Protection, I am proud to support H.R. 985. This bill will help the federal government keep make America safer and more secure by encouraging and protecting employees who come forward to report waste, fraud, wrongdoing, or abuse of vital and limited government resources. I urge all members to join me in voting for this important legislation.

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

In the report language from the Committee on Oversight and Government Reform, there is a well-stated argument about the importance of this legislation, why we need it, and why we need it for national security employees as well. The report reads as follows:

"A key component of government accountability is whistleblower protection. Federal employees are on the inside. They can see when taxpayer dollars are wasted and are often the first to see the signals of corrupt or incompetent management.

"Unfortunately, whistleblowers too often receive retaliation rather than recognition for their courage. They need adequate protections so they are not deterred from stepping forward to blow the whistle.

"There are many Federal Government workers who deserve whistleblower protection, but perhaps none more than national security officials. These are Federal Government employees who have undergone extensive background investigations, obtained security clearances, and handled classified information on a routine basis. Our government has concluded that they can be trusted to work on the most sensitive law enforcement and intelligence projects, yet these officials receive no protection when they come forward to identify abuses that are undermining our national security efforts."

I think the report language well states the case for this bill and the importance of us adopting this legislation and moving the process forward.

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

Mr. BRALEY of Iowa. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. DAVIS).

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Chairman, I rise in strong support of H.R. 985, and I do so for a number of reasons. We all know that there are individuals who would love to simply be forthcoming with information. All of us have been places, all of us have worked places, all of us have known things, and we have all wanted to operate free and uninhibited. But unless individuals have the absolute protection, in many instances, of knowing that whatever it is that they would reveal that when they come forth that nobody can use that against them, because they also have concerns of their own relative to being able to maintain the job that they have got to take care of the security needs of their family.

Whistleblower protection could have been used more effectively even as we debated the issue of Iraq, as we made decisions based upon intelligence that supposedly we had but intelligence that obviously we did not have.

Whistleblower protection becomes very effective in helping to root out waste, fraud, and abuse. Some of the hearings that I have sat in on where we have discussed how we made use of our contracting resources in Iraq, for example, makes one wonder if we were just giving away the valuable resources of the American people.

So this legislation not only protects the taxpayers' money, but it also protects our troops, our soldiers, those who are in danger oftentimes because accurate information has not been deployed. Mr. Chairman, I urge passage of 985.

Mr. PLATTS. Mr. Chairman, I continue to reserve the balance of my time.

Mr. BRALEY of Iowa. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I see some of my distinguished colleagues here today, specifically Ranking Member DAVIS, Congressman SHAYS. And to prepare for this debate today, Mr. Chairman, I watched a movie, "The Insider," last night, because it was a classic example

of why we need whistleblower protection in this country. The sight of those seven tobacco company CEOs standing before the committee on which I am proud to serve, raising their hands and swearing that tobacco and nicotine is not addictive, and the compelling personal story of Jeffrey Weigand and the struggle he and his family went through are why we need to support this bill today.

One of the reasons why we are here today is because of the compelling stories of dozens of national security whistleblowers from multiple Federal agencies who have provided sobering and exhaustive stories about retaliation and retribution for speaking the truth.

□ 1515

These accounts have been well documented before the committees of this House.

Michael German was a highly regarded FBI agent working on domestic terrorism cases for 16 years before quitting in frustration in 2004. His whistleblowing concerned a case that, according to NBC's Dateline, ''involved a potential nightmare scenario: meetings between a home-grown militia-type terrorism organization and an Islamic fundamentalist group during which they discussed possible cooperation.''

Mr. German alleges that the FBI fumbled the case and then, after he blew the whistle, falsified records in order to cover its mistakes. He reported his concerns to his superiors and reportedly faced retaliation for doing so, though a Department of Justice Inspector General report substantiated many of his claims.

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

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

Mr. BRALEY of Iowa. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I thank the gentleman for yielding, allowing me an opportunity to speak about this issue here before us.

I want to thank Mr. WAXMAN and the committee for reporting an excellent bill. The Whistleblower Protection Enhancement Act is a long overdue piece of legislation that will go a long way towards correcting some of the abuses of the past and updating the whistleblower protection system to face the challenges of the present.

For too long protections passed by Congress for good-faith whistleblowers have been chipped away by executive agencies and the courts. Court decisions have limited the scope of whistleblower protections in a way that betrays the spirit of the original law. This bill will clarify the rights of whistleblowers, including the right to a prompt court proceeding if their employer challenges their right to the protection.

The bill also protects whistleblowers who work in the national security sector or who work for Federal contractors. This is a critical provision. Under current law, national security employees have next to no protection if they are retaliated against for reporting waste or corruption. This is an extremely dangerous situation. If corruption or abuse of power is happening in our intelligence and security agencies, it should be a concern for all Americans. Employees who report abuses in these sectors are doing a service to our national security. I am glad to see that this bill would finally protect them.

I am also pleased to see protections strengthened for Federal contractors. The growth of contracting under the current administration has been astronomical. Under President Bush the Federal Government is now spending nearly 40 cents of every discretionary dollar on contracts with private companies, a record level. Much of this money has been spent without any kind of oversight that would apply within a Federal agency.

Protection for whistleblowers in the contracting sector is key for improving congressional oversight and bringing potential waste and mismanagement under control.

Let me be clear. This bill doesn't just protect whistleblowers. It protects all Americans.

As chairman of the Oversight and Investigations Subcommittee of the Energy and Commerce Committee, I know that every congressional investigation relies on the willingness of individual witnesses to speak up about what they have seen. These individuals risk their careers and their reputations to expose instances of corruption, waste, and abuse within our government. We owe them a debt of gratitude for their courage. This bill is an important step towards making sure that those individuals have the protection they deserve.

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

Mr. Chairman, I would just like to again thank my colleagues who have worked on this and give special thanks to the staff of the majority and minority sides of the Oversight and Government Reform Committee both this session and for the last two sessions that I have been involved in this issue. We certainly wouldn't be here today without the tremendous work of the staff as well as the leadership of then-Chairman DAVIS, now-Ranking Member DAVIS, and current Chairman WAXMAN. So I appreciate everyone's participation in moving this very important issue forward.

This truly is about doing right by our courageous Federal employees who are willing to come forward when they see wrong and do right on behalf of their fellow citizens.

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

Mr. BRALEY of Iowa. Mr. Chairman, I yield myself such time as I may consume.

I also want to thank my colleagues for the bipartisan spirit of support for this bill.

I want to just add a few more names to the record, in the remaining time that I have available, of courageous whistleblowers. These are not hypothetical situations we are talking about.

One of them, Richard Levernier, was employed at the Department of Energy for 22 years and was in charge of testing security at U.S. nuclear weapons facilities. Working through normal DOE channels, he tried for years to get his superiors to address security weaknesses that might allow terrorists to successfully assemble and detonate a nuclear device at one of the facilities. But his superiors declined to acknowledge that vulnerabilities existed.

When he faxed two unclassified Inspector General reports to the press, DOE suspended his security clearance. At the time he was 2 years away from retirement and eligible for a full pension. After he filed a lawsuit against DOE for unjust termination, the Office of Special Counsel conducted an investigation and concluded that the harassment against Levernier constituted a systematically illegal reprisal. The OSC also found a substantial likelihood that his underlying charges were correct.

Another brave individual, Russell Tice, a former intelligence agent at the National Security Agency, worked for 20 years in special access programs known as ''black world programs and operations.'' He had his security clearance revoked in May, 2005, after alerting his superiors of suspicious activity by a coworker. NSA later dismissed him after he raised questions about the legality of some NSA ''black world'' programs, including the eavesdropping by the Defense Department and the NSA on American citizens. Mr. Tice wanted to talk to Congress about what he feels are further abuses by the NSA, but has not been allowed to do so.

Specialist Samuel J. Provance's unit in Iraq was instructed to interrogate detainees in a way that he thought was immoral and inappropriate, and he told his superiors. Instead of investigating his claims, his superiors demoted him.

And, finally, Lieutenant Colonel Anthony Shaffer was demoted and his security clearance stripped after he made protected disclosures to the 9/11 Commission about Able Danger, a pre-9/11 operation for combating al Qaeda, and explained that there were DOD and DIA failures regarding 9/11.

This is not a hypothetical problem. Federal whistleblowers are being silenced, and instances of waste, fraud, and abuse are not being exposed. That is why I call on all my colleagues to support this bill.

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

The Acting CHAIRMAN (Mr. ROSS). The gentleman from Pennsylvania (Mr. CARNEY) and the gentleman from Connecticut (Mr. SHAYS) each will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania.

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

Mr. Chairman, I would like to commend Chairman WAXMAN, Chairman THOMPSON, and others for their work on this long overdue and sorely needed bill.

As chairman of the Homeland Security Subcommittee on Management, Investigations, and Oversight, I have a vested interest in H.R. 985's passage. I would like to thank Chairman THOMPSON for allowing me to manage our committee's allotted time on the bill.

This bill extends whistleblower protections to Federal employees who work on national security mainly in the intelligence area and workers in the Transportation Security Administration, especially screeners, as well as to Federal contractors.

As Chairman WAXMAN and others have noted, there is a tremendous need to extend whistleblower protections for Federal workers or contractors, our best sources for shining light on waste, fraud, and abuse.

This bill treats transportation security officers, or TSOs, sometimes called ''screeners,'' the same as all other Department of Homeland Security employees by giving them full whistleblower protections, which TSOs currently do not have.

Mr. Chairman, others will tell you that TSOs have whistleblower rights. This is debatably true on paper, but it has not been true in practice.

The truth is, TSOs do not enjoy full whistleblower protections. TSOs have limited whistleblower protections that come from a memorandum of understanding, or MOU, that was entered into when the TSA was still part of the Department of Transportation. Under the MOU, TSOs, transportation screeners, can only bring a claim to the Office of Special Counsel. They do not have a right of appeal or independent review by another agency or court.

In 2004, while reviewing a TSO whistleblower claim in the case of Schott v. The Department of Homeland Security, the Merit Systems Protection Board, MSPB, ruled that the Homeland Security Act does not provide TSOs with the right to MSPB review. Other DHS employees enjoy the right to MSPB review.

Thus, as you can see, Mr. Chairman, the TSOs are currently treated differently than other DHS personnel, including their fellow employees within TSA.

This bill allows a whistleblower to go to court if their claim has not been acted upon within 6 months. This bill permits the whistleblower to bring an appeal on their case to any Federal Court of Appeals having proper jurisdiction over the case, not just the Court of Appeals for the Federal Circuit, as the law now stands.

I am also pleased that this bill provides the same rights to the Office of Intelligence and Analysis employees at DHS as it does to intelligence employees in other agencies. As we know, whistleblowers in the intelligence community must be careful when they disclose certain information. This bill helps govern how these intelligence-related employees bring their claims while also adequately protecting any sensitive or classified information that may be involved with their claims.

Mr. Chairman, I want to note that H.R. 1, which passed the House in January, tries to fix TSA's poor morale problem by giving TSOs whistleblower rights and collective bargaining rights. The collective bargaining rights are comparable to other law enforcement officers and others within the DHS, such as Border Patrol and CBP officers.

Mr. Chairman, I am happy to vote for this bill as it not only makes America safer and more secure, but it also allows for all employees to report waste, fraud, or abuse of our vital and limited government resources.

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

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

It is a pleasure to share this debate with Congressman CARNEY and to know that former Chairman DAVIS, now ranking member, and former Ranking Member WAXMAN, now chairman, have worked so closely together. And tremendous kudos to TODD PLATTS for the work that he has done on this legislation. This is a bipartisan effort for a very real reason, whistleblowers need this protection.

All Federal employees are ethically bound to expose violations of law, corruption, waste, and substantial danger to public health or safety. But meeting that obligation to ''blow the whistle'' on coworkers and superiors has never ever been easy.

□ 1530

Breaking bureaucratic ranks to speak unpleasant and unwelcome truths takes courage and risks involving the wrath of those with the power and motive to shoot the messenger. Yet seldom in our history has the need for the whistleblower's unfiltered voice been more urgent, particularly in the realms of national security and intelligence. Extraordinary powers needed to wage war on our enemies could, if unchecked, inflict collateral damage on the very rights and freedoms we fight to protect.

The use of expansive executive authority demands equally expansive scrutiny by Congress and the public. One absolute essential source of information to sustain that oversight is whistleblowers.

But those with whom we trust the Nation's secrets are too often treated like second-class citizens when it comes to asserting their rights and responsibilities to speak truth to power. Exempted from legal protections available to most other Federal employees under the Merit System Protection Board, referred to as the MSPB, national security whistleblowers must traverse a confusing maze of inconsistent regulations and procedures that too often afford them far less process than is due.

The legislation before us today takes the important step of creating a procedure for whistleblowers handling sensitive national security information, to have their claims investigated and adjudicated on a timely basis. These claims would be investigated by the agency Inspector General, as they are now, who will keep all classified information secure, while providing a fair and independent mechanism for investigation and adjudication. Should the Inspector General, and we have an Inspector General in each of these agencies, not reach a timely decision, or the employees wish to appeal, our legislation allows the appropriate Federal Circuit Court to hear the case.

This new approach will give these employees effective protection, while at the same time ensuring sensitive and classified information stays secure.

While I believe an amendment to bring the Department of Homeland Security intelligence-related employees under the same provisions as employees of intelligence agencies such as the CIA or FBI should have been made in order, I am grateful we are finally moving legislation that will allow employees who have faced whistleblower retaliation to get on with their lives.

I also believe suspension or revocation of a security clearance has the same chilling effect as demotion or firing, but clearance actions are virtually unreviewable. Those with whom we trust the Nation's secrets should not be second-class citizens when it comes to asserting their rights and obligations to speak truth to power. Employees should never face termination or harassment for acting courageously to identify improprieties in the workplace, especially when their observations could help improve safety or eliminate waste, abuse or fraud.

Another important step this legislation takes is to expand whistleblower protections to Transportation Security Administration, TSA, screeners for the first time, and that is why the Homeland Security Committee has been given time for this debate. TSA baggage screeners currently do not have whistleblower rights, and this bill will extend to screeners the same protections that all other Department of Homeland Security employees enjoy.

With the full whistleblower protections of this bill, TSA workers could report violations of law, mismanagement, waste, abuse of authority, or dangers to public health and safety, including those regarding or relating solely to homeland or national security.

The bottom line is with more power to the executive branch must come more oversight. That is why I strongly support this legislation. I think that is why this legislation is strongly supported on both sides of the aisle.

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

Mr. CARNEY. Mr. Chairman, I yield 4 minutes to the distinguished gentlelady from the State of Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman for yielding.

Mr. Chairman, I thank Mr. CARNEY for his leadership and work, along with, as I mentioned earlier, the chairman of the full Committee on Homeland Security, Mr. THOMPSON, and the ranking member.

There is no doubt that whistleblower protection is intimately interwoven with the work and the issues and the mission and obligations of the Homeland Security Department and the Homeland Security Committee, both in the House and the other body. We have too often seen debacles occurring, tragically, and I believe with a clean whistleblower protection, where workers are aware of their rights, we are enhancing the security of America.

This bill in particular responds to the transportation security officers, sometimes called screeners. As the chairwoman of the Subcommittee on Transportation Security with oversight over our transportation security screeners, it is clear that giving them full whistleblower protection is crucial, and it is also clear that they do not have it now.

Others will tell you that TSOs have whistleblower protection rights. They do not. While this may be true on paper, it is not true in practice. The truth is that transportation security officers do not enjoy full whistleblower protections. Specifically TSOs have limited whistleblower protections that come under a memorandum of understanding, an MOU, that was entered into when TSA was still part of the Department of Transportation. Under the MOU, TSOs can only bring a claim to the Office of Special Counsel. They do not have a right of appeal or independent review by another agency or court.

What that means, Mr. Chairman, is they can be fired. So if a transportation security officer sees a breach at one of the thousands upon thousands of airports around America, they have no protection to protect the traveling public.

In 2004, while reviewing a TSO whistleblower claim in the case of Schott v. The Department of Homeland Security, the Merit System Protection Board ruled that the Homeland Security Act does not provide TSOs with the right to MSPB review, which review rights are enjoyed by other department employees.

Thus, as you can see, Mr. Chairman, this bill is crucial to the transportation security officers, who are treated more differently than any other Department of Homeland Security personnel, including their fellow employees within TSA. The bill allows a whistleblower to go to court if their claim has not been acted upon within 6 months.

There is much that the TSA screener says as he or she watches day after day at whether the procedures that we have in place really work. In fact, I know there are procedures that go on at the screening site where it is crucial that an astute, well-trained TSA employee, screener, can in fact be able to enhance the security of America by telling the truth.

I am glad Mr. CARNEY is chairing our Management Subcommittee, because he is going to be talking about training issues. They are crucial. This bill permits, Mr. Chairman, as I close, the whistleblower to bring an appeal on their case to any Federal Court of Appeals having proper jurisdiction over the case, not just a Court of Appeals for the Federal Circuit, as the law now stands. That means we have real protection against firing and termination just because a transportation security officer is doing his or her job.

I am also pleased this bill provides the same rights to the Department's Office of Intelligence and Analysis employees as it does to intelligence employees in other agencies. As we know, whistleblowers in the Intelligence Committee must be careful when they disclose certain information. This bill helps govern how these people bring their claims, while also adequately protecting any sensitive or classified information that may be involved with such claims.

Mr. Chairman, I want to note that H.R. 1, which passed the House in January, tries to fix TSA's poor morale problem by giving TSO whistleblower rights and collective bargaining rights. These collective bargaining rights are comparable to other law enforcement officers and others within the Department, such as Border Patrol and others.

I ask my colleagues to support this. This is a new day, a fresh day for homeland security in America, giving these officers the right to tell the truth and do their job and protect America.

Mr. Chairman, I rise today in strong support of H.R. 985, the "Whistleblower Protection Enhancement Act of 2007," which extends whistleblower protections to federal employees and contractors working in the area of national security and intelligence, including screeners at the Transportation Security Administration (TSA).

Mr. Chairman, I have long been a strong proponent of whistleblower protection. As a Member of Congress from Houston, home of NASA's Johnson Space Center, I have long been involved in developing procedures and protections to ensure that concerns affecting the public health and safety are made known and addressed in an atmosphere free of intimidation, threats, harassment, and reprisal.

For example, during a hearing held a few years ago by the Science Committee of which I was a member, Admiral Gehman and representatives of the Columbia Accident Investigation Board explained how fear of retaliation by management led some engineers to withhold their concerns about the safety and well-being of NASA missions and crew. Reports received after the tragic Colombia space shuttle accident indicated the accident may have been avoided had there been in place a process that would foster an environment encouraging employees and contractors to come forward with information that could avert future threats to the safety of astronauts, mission specialists, and other workers.

My legislation created a NASA Safety Reporting Board that would rapidly screen such disclosures and either report them directly to the Administrator, or reject them as non-eligible—perhaps with a suggestion to seek redress through internal means, e.g., union and OSHA representatives, and agency ombudsmen. Afterward, the Board would be tasked with keeping a registry of reporting workers and with dispute resolution in the event that the worker alleges retaliation by management. Coupling the reporting and anti-retaliation functions in one board would limit the scope of the board to truly vital issues, and make workers feel confident that their concerns will not be lost or buried in the bureaucracy of standard whistleblower or OSHA claims. The Safety Reporting Board would be comprised of both NASA managers and non-managers, with diverse expertise, representing multiple Centers, and include an advocate for workers.

Because we saw the lack of whistle blower protection for NASA employers as a safety threat to the nation's commitment to space exploration and travel, we took action to remove this impediment. The effort has been successful and we are reaping the benefits to this day.

Mr. Chairman, we need to extend the benefits of whistleblower protection from NASA to other vital Government agencies and functions. There is a tremendous need to protect our best sources for identifying waste fraud and abuse—Federal workers and contractors. H.R. 985 treats Transportation Security Officers (TSOs), sometimes called "screeners," the same as all other Department employees by giving them full whistleblower protections, which TSOs currently do not have.

Mr. Chairman, contrary to assertions by opponents of the bill, TSOs do not have any meaningful whistleblower rights. The truth is TSOs do not enjoy full whistleblower protections. Specifically, TSOs enjoy little more than minimal whistleblower protections deriving from a Memorandum of Understanding (MOU) entered into when TSA was still part of the Department of Transportation.

Under this MOU, screeners can only bring a claim to the Office of Special Counsel; they do not have a right of appeal or to seek independent review by another agency or court.

Mr. Chairman, in 2004, the Merit Systems Protection Board (MSPB) ruled in Schott v. Department of Homeland Security, that the Homeland Security Act does not provide TSA screeners the right to bring a claim before the MSPB, even though such rights were enjoyed by all other Department employees.

Thus, as you can see Mr. Chairman, TSOs are treated differently than other Department of Homeland Security personnel—including fellow employees within TSA.

This bill allows a whistleblower to seek relief in Federal circuit court, if his or her claim has not been acted upon within 6 months. In addition, H.R. 985 permits the whistleblower to bring an appeal on their case to any Federal circuit court of appeals having in personam jurisdiction, not just the Court of Appeals for the Federal Circuit as is the case under current law.

I am also pleased that this bill provides the same rights to the Department's Office of Intelligence and Analysis employees as it does to intelligence employees in other agencies. I do not have to tell you, Mr. Chairman, that whistleblowers in the intelligence community must be careful when they disclose certain information.

H.R. 985 set forth procedures which enable whistleblowers to assert their claims, while at the same time adequately protecting any sensitive or classified information involved with such claims.

Mr. Chairman, I note that H.R. 1, which passed the House in January, seeks to improve the poor morale problem at TSA by giving TSO employees whistleblower and collective bargaining rights. These collective bargaining rights are comparable to other law enforcement officers and others within the Department, such as the Border Patrol, Customs and Border Protection Officers.

Mr. Chairman, as a senior member of the Homeland Security Committee and chair of the Subcommittee on Transportation Security and Infrastructure Protection, I am proud to support H.R. 985. This bill will help the Federal Government keep America safer and more secure by encouraging and protecting employees who come forward to report waste, fraud, wrongdoing, or abuse of vital and limited Government resources. I urge all members to join me in voting for this important legislation.

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

Mr. Chairman, when you give the administration of any party the kind of powers we need to give an administration today, you have to have a strong whistleblower statute, a strong civil liberties board, and aggressive congressional oversight. There are two inconvenient truths we need to deal with, in society today. One is what Al Gore talks about: the environment, and national security issues related to the environment.

Another inconvenient truth is what the 9/11 Commission points out to us, that we are confronting deadly radical Islamist terrorism. And that requires stronger statutes to deal with it.

We had an attempt in the late eighties by the first President Bush to have a workable whistleblower statute. That statute was eroded by the Federal Court in D.C. We saw the Clinton administration try to strengthen it in 1994, and again it was weakened by the courts. This is another attempt to strengthen this statute.

We have a weakness in our whistleblower statute that we must address. And it is being addressed on a bipartisan basis.

We have a Merit System Protection Board that deals with everyone outside of the intelligence community, but it doesn't render decisions soon enough. We are requiring that decisions be rendered within 180 days. If not, a whistleblower can go to court. And we now allow whistleblowers to appeal decisions they disagree with.

But we have had a more serious problem. This is the area of concern relating to the intelligence community. Whistleblowers have had to go to their own individual Inspector Generals. The Inspector Generals follow different practices. We are now making sure those practices conform to the Merit System Protection Board practices.

The biggest challenge was when you take away someone's security clearance, it is like telling a bus driver you don't have a license to drive a bus. You make that whistleblower meaningless to the agency, and it is a huge disincentive to speak out.

We are not saying that can't be taken away in this legislation. We are saying it needs to be studied by the GAO. But what we are also doing is giving the employee the right to go to court within 180 days if a decision isn't rendered, and to have that same ability to make sure their case is heard if they disagree with the decision.

I can't say how strongly enough I support this legislation. This legislation, which passed the committee last year has been improved this year. But, again, I want to say, Mr. PLATTS, you deserve a tremendous amount of credit for what you have done and I congratulate my colleagues on the other side of the aisle for bringing this legislation up so quickly.

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

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

Mr. Chairman, I do urge my colleagues to vote for H.R. 985. It is important for any number of reasons. The bipartisan nature of this bill itself is I think in many ways reason enough. We have reached across the aisle in a bipartisan fashion to make sure that we do what is right for the American public, for the traveling public and for the safety of all of us.

Mr. Chairman, as an intelligence officer myself, I know full well from firsthand experience the importance of having lines of communication open so the right information is getting to decisionmakers, and that right information can often include telling us what is not going right, what has gone wrong and how we can fix it.

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It is vital that people have the opportunity and avenues and conduits through which they can give good information, information when things are going well and information when things are not going well. All of this ultimately makes us a safer, stronger Nation. That is why I urge all of my colleagues to vote for H.R. 985.

Mrs. LOWEY. Mr. Chairman, I want to thank Chairman WAXMAN and Ranking Member DAVIS of the Oversight and Government Reform Committee for bringing this bill to the floor.

I rise in support of this bill and in particular, the provisions extending whistleblower protections to federal employees who work on national security matters, including those employed by the Transportation Security Administration.

The simple fact is that TSA screeners are treated differently than other Department of Homeland Security personnel. That is why I authored the provisions in the Implementing the 9/11 Commission Recommendations Act of 2007, which the House passed in January, that would give TSOs whistleblower and collective bargaining rights.

Astonishingly, the President has threatened to veto the 9/11 bill over this provision.

TSA screeners are frontline security workers who perform a crucial and often grueling job that requires training, experience, and patience. We need workers who have mastered the job and providing whistleblower protections to TSA employees is part of a broader strategy to ensure that these individuals will make a career of protecting our Nation.

I intend to vote for this bill not only to strengthen protections for whistleblowers and restore accountability to the federal government, but to advance this critical TSA provision through the legislative process and show the President that we are serious about giving our frontline security workers the same rights as other Department of Homeland Security personnel.

I urge my colleagues to do the same.

Mr. THOMPSON of Mississippi. Mr. Chairman, I applaud Chairman WAXMAN, Ranking Member DAVIS, and others for their work on this badly needed bill.

This bill extends whistleblower protections to Federal employees who work on national security, mainly in the intelligence area, workers in the Transportation Security Administration, especially screeners, and Federal contractors, amongst others.

As Chairman WAXMAN correctly identified, there is a tremendous need to protect Federal workers and contractors who are our best sources of identifying waste fraud, abuse or security problems.

This bill treats Transportation Security Officers (TSOs) the same as all other Department employees by giving them full whistleblower protections, which TSOs currently do not have.

Mr. Chairman, others will tell you that TSOs have adequate whistleblower rights. While this is debatably true on paper, it is not true in practice.

The truth is TSOs do not enjoy full whistleblower protections. They have extremely limited whistleblower protections granted by a Memorandum of Understanding (MOU) that was entered into when TSA was part of the Department of Transportation.

In fact, while reviewing a TSO whistleblower claim in 2004, the Merit Systems Protection Board (MSPB) ruled that the Homeland Security Act does not provide TSO whistleblowers with a right to MSPB review.

Compared to other Department employees who do enjoy the right to MSPB review, TSOs are treated differently.

Under the MOU, TSOs can only bring a claim to the Office of Special Counsel, but TSOs have no right of outside appeal to either the MSPB or any other independent agency or court, like all other the Department employees can.

This bill remedies this situation by giving the TSOs full whistleblower rights, including the right to independent outside review.

Besides independent outside review, this bill also allows a whistleblower to go to court if their claim has not been acted on within 6 months of filing.

This bill permits the whistleblower to bring an appeal on their case to any federal court of appeals having proper jurisdiction over the case.

I am also pleased that this bill provides the same rights to the Department's Office of Intelligence and Analysis employees as it does to intelligence employees in other agencies.

As we know, whistleblowers in the intelligence community must be careful when they disclose certain information.

This bill helps govern how these people can bring their claims, but it also adequately protects any sensitive or classified information that may be involved.

Mr. Chairman, I want to note that H.R. 1, which passed the House in January, has some similar effects as H.R. 985, mainly that it provides whistleblower protections to TSOs.

H.R. 1 also fixes the poor morale problems by allowing collective bargaining rights for TSOs, similar to other law enforcement officers and others within the Department, such as the Border Patrol and Customs and Border Protection Officers.

Nonetheless, I am happy to vote for H.R. 985 today as it not only makes America safer and more secure, but it also allows for all employees to report waste, fraud, or abuse of vital and limited government resources.

I urge my colleagues to support the bill.

Mrs. MALONEY of New York. Mr. Chairman, as a cosponsor of this legislation, I rise in strong support of H.R. 985, the Whistleblower Protection Act.

I think one thing we can all agree on is that the current system is broken and whistleblowers are simply not being protected.

Too often our system retaliates against whistleblowers rather than thanking them for standing up for what is right.

The Oversight and Government Reform Committee has heard from many of them, including Sibel Edmonds, the former FBI Translator who was fired for raising concerns about the way the FBI was translating important information about our security.

Her reward for blowing the whistle included having her security clearance stripped, being fired from her job and being forced to endure a years-long court battle that prevented her from any sort of normal life.

Things were so bad with her case that when she testified before the committee she literally could not tell us anything about her life—where she was born or which languages she speaks.

Sadly, she is not alone.

The Whistleblower Protection Act (WPA) has been weakened by court cases in recent years and even the weak protections offered under the WPA do not apply to national security whistleblowers or contractors at those agencies.

The Oversight Committee repeatedly has heard from people who have had their security clearances revoked after blowing the whistle.

We have been told that wrongdoers have been allowed to continue their actions while the whistleblower has been the one made to suffer.

In the 109th Congress I was joined by my colleague Representative DIANE WATSON in offering an amendment during the Committee's consideration of the Federal Employee Protection of Disclosures Act that would have extended whistleblower protections to employees in national security and the intelligence community.

I am thrilled that this legislation will extend these important protections to employees of intelligence agencies and to federal contractors.

Passage of this bill is long overdue.

I urge my colleagues to vote for this legislation.

Mr. DAVIS of Illinois. Mr. Chairman, I am pleased to have joined Chairman WAXMAN and Ranking Member DAVIS in sponsoring the Whistleblower Protection Enhancement Act of 2007.

The Whistleblower Protection Act of 2007 strengthens current law to protect whistleblowers in Federal agencies. Since 1994, the Whistleblower Protection Act has been gutted by judicial activism. The legislation would grant whistleblowers the right to challenge reprisals in Federal district court and clarifies that "any" protected disclosure applies to all lawful communication of misconduct. It would extend whistleblower protection rights to whistleblowers in the intelligence community and would extend these rights to federally funded contractors.

Extending whistleblower protection to the intelligence community is a critical aspect of this legislation. Most national security whistleblowers are not protected from retaliation by law. The National Security Whistleblower Coalition reports that the median number of years of government service for national security whistleblowers is 22 years. These employees are experienced and dedicated and their careers should not be put at risk when they report waste, fraud, and abuse. Protecting national security whistleblowers from retaliation is in the best interest of our national security.

I do have concerns about one group of workers that do not have whistleblower protection—postal workers. The Postal Service is not, by law, subject to the Whistleblower Protection Act—WPA. The Service's Employee and Labor Relations Manual—ELM—contains provisions adopted by the service that replicate the more significant protections found in the WPA for victims of unlawful reprisal. The ELM provisions, however, only concern "corrective actions"; they do not mandate discipline for managers who retaliate against whistleblowers.

As chairman of the Subcommittee on Federal Workforce, Postal Service, and the District of Columbia, I will hold a hearing to examine the need to extend full whistleblower protections to postal employees.

Chairman WAXMAN, thank you for your advocacy in this area.

Mr. PLATTS. Mr. Chairman, I yield back the balance of my time.

Mr. SHAYS. Mr. Chairman, I thank my colleague for his presentation, and I yield back the balance of my time.

The Acting CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, an amendment in the nature of a substitute consisting of the text of the bill, modified by the amendments printed in the bill, is adopted. The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered read.

The text of the bill, as amended, is as follows:

H.R. 985

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Whistleblower Protection Enhancement Act of 2007".

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

Sec. 1. Short title; table of contents.
Sec. 2. Clarification of disclosures covered.
Sec. 3. Covered disclosures.
Sec. 4. Rebuttable presumption.
Sec. 5. Nondisclosure policies, forms, and agreements.
Sec. 6. Exclusion of agencies by the President.
Sec. 7. Disciplinary action.
Sec. 8. Government Accountability Office study on revocation of security clearances.
Sec. 9. Alternative recourse.
Sec. 10. National security whistleblower rights.
Sec. 11. Enhancement of contractor employee whistleblower protections.
Sec. 12. Prohibited personnel practices affecting the Transportation Security Administration.
Sec. 13. Clarification of whistleblower rights relating to scientific and other research.
Sec. 14. Effective date.

SEC. 2. CLARIFICATION OF DISCLOSURES COVERED.

Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking "which the employee or applicant reasonably believes evidences" and inserting ", without restriction as to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, that the employee or applicant reasonably believes is evidence of"; and

(B) in clause (i), by striking "a violation" and inserting "any violation"; and

(2) in subparagraph (B)—

(A) by striking "which the employee or applicant reasonably believes evidences" and inserting ", without restriction as to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, of information that the employee or applicant reasonably believes is evidence of"; and

(B) in clause (i), by striking "a violation" and inserting "any violation (other than a violation of this section)".

SEC. 3. COVERED DISCLOSURES.

Section 2302(a)(2) of title 5, United States Code, is amended—

(1) in subparagraph (B)(ii), by striking "and" at the end;

(2) in subparagraph (C)(iii), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(D) 'disclosure' means a formal or informal communication, but does not include a communication concerning policy decisions that lawfully exercise discretionary authority unless the [employee] *employee or applicant* providing the disclosure reasonably believes that the disclosure evidences—

"(i) any violation of any law, rule, or regulation; or

"(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.".

SEC. 4. REBUTTABLE PRESUMPTION.

Section 2302(b) of title 5, United States Code, is amended by adding at the end the following: "For purposes of paragraph (8), any presumption relating to the performance of a duty by an employee who has authority to take, direct others to take, recommend, or approve any personnel action may be rebutted by substantial evidence. For purposes of paragraph (8), a determination as to whether an employee or applicant reasonably believes that such employee or applicant has disclosed information that evidences any violation of law, rule, regulation,

gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety shall be made by determining whether a disinterested observer with knowledge of the essential facts known to or readily ascertainable by the employee or applicant could reasonably conclude that the actions of the Government evidence such violations, mismanagement, waste, abuse, or danger.''.

SEC. 5. NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS.

(a) PERSONNEL ACTION.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(1) in clause (x), by striking ''and'' at the end;

(2) by redesignating clause (xi) as clause (xii); and

(3) by inserting after clause (x) the following:

''(xi) the implementation or enforcement of any nondisclosure policy, form, or agreement; and''.

(b) PROHIBITED PERSONNEL PRACTICE.—Section 2302(b) of title 5, United States Code, is amended—

(1) in paragraph (11), by striking ''or'' at the end;

(2) by redesignating paragraph (12) as paragraph (14); and

(3) by inserting after paragraph (11) the following:

''(12) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement: 'These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosures to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 and following) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosures that could compromise national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.';

''(13) conduct, or cause to be conducted, an investigation, other than any ministerial or nondiscretionary factfinding activities necessary for the agency to perform its mission, of an employee or applicant for employment because of any activity protected under this section; or''.

SEC. 6. EXCLUSION OF AGENCIES BY THE PRESIDENT.

Section 2302(a)(2)(C) of title 5, United States Code, is amended by striking clause (ii) and inserting the following:

''(ii)(I) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, or the National Security Agency; or

''(II) as determined by the President, any Executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counterintelligence activities, if the determination (as that determination relates to a personnel action) is made before that personnel action; or''.

SEC. 7. DISCIPLINARY ACTION.

Section 1215(a)(3) of title 5, United States Code, is amended to read as follows:

''(3)(A) A final order of the Board may impose—

''(i) disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, or reprimand;

''(ii) an assessment of a civil penalty not to exceed $1,000; or

''(iii) any combination of disciplinary actions described under clause (i) and an assessment described under clause (ii).

''(B) In any case in which the Board finds that an employee has committed a prohibited personnel practice under paragraph (8) or (9) of section 2302(b), the Board shall impose disciplinary action if the Board finds that the activity protected under such paragraph (8) or (9) (as the case may be) was the primary motivating factor, unless that employee demonstrates, by a preponderance of the evidence, that the employee would have taken, failed to take, or threatened to take or fail to take the same personnel action, in the absence of such protected activity.''.

SEC. 8. GOVERNMENT ACCOUNTABILITY OFFICE STUDY ON REVOCATION OF SECURITY CLEARANCES.

(a) REQUIREMENT.—The Comptroller General shall conduct a study of security clearance revocations, taking effect after 1996, with respect to personnel that filed claims under chapter 12 of title 5, United States Code, in connection therewith. The study shall consist of an examination of the number of such clearances revoked, the number restored, and the relationship, if any, between the resolution of claims filed under such chapter and the restoration of such clearances.

(b) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the results of the study required by subsection (a).

SEC. 9. ALTERNATIVE RECOURSE.

(a) IN GENERAL.—Section 1221 of title 5, United States Code, is amended by adding at the end the following:

''(k)(1) If, in the case of an employee, former employee, or applicant for employment who seeks corrective action (or on behalf of whom corrective action is sought) from the Merit Systems Protection Board based on an alleged prohibited personnel practice described in section 2302(b)(8), no final order or decision is issued by the Board within 180 days after the date on which a request for such corrective action has been duly submitted (or, in the event that a final order or decision is issued by the Board, whether within that 180-day period or thereafter, then, within 90 days after such final order or decision is issued, and so long as such employee, former employee, or applicant has not filed a petition for judicial review of such order or decision under subsection (h))—

''(A) such employee, former employee, or applicant may, after providing written notice to the Board, bring an action at law or equity for de novo review in the appropriate United States district court, which shall have jurisdiction over such action without regard to the amount in [controversy;] *controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury;* and

''(B) in any such action, the court—

''(i) shall apply the standards set forth in subsection (e); and

''(ii) may award any relief which the court considers appropriate, including any relief described in subsection (g).

An appeal from a final decision of a district court in an action under this paragraph may, at the election of the appellant, be taken to the Court of Appeals for the Federal Circuit (which shall have jurisdiction of such appeal), in lieu of the United States court of appeals for the circuit embracing the district in which the action was brought.

''(2) For purposes of this subsection, the term 'appropriate United States district court', as used with respect to an alleged prohibited personnel practice, means the United States district court for the district in which the prohibited personnel practice is alleged to have been committed, the judicial district in which the employment records relevant to such practice are maintained and administered, or the judicial district in which resides the employee, former employee, or applicant for employment allegedly affected by such practice.

''(3) This subsection applies with respect to any appeal, petition, or other request for corrective action duly submitted to the Board, whether pursuant to section 1214(b)(2), the preceding provisions of this section, section 7513(d), or any otherwise applicable provisions of law, rule, or regulation.''.

(b) REVIEW OF MSPB DECISIONS.—Section 7703(b) of such title 5 is amended—

(1) in the first sentence of paragraph (1), by striking ''the United States Court of Appeals for the Federal Circuit'' and inserting ''the appropriate United States court of appeals''; and

(2) by adding at the end the following:

''(3) For purposes of the first sentence of paragraph (1), the term 'appropriate United States court of appeals' means the United States Court of Appeals for the Federal [Circuit.] *Circuit, except that in the case of a prohibited personnel practice described in section 2302(b)(8) (other than a case that, disregarding this paragraph, would otherwise be subject to paragraph (2)), such term means the United States Court of Appeals for the Federal Circuit and any United States court of appeals having jurisdiction over appeals from any United States district court which, under section 1221(k)(2), would be an appropriate United States district court for purposes of such prohibited personnel practice.*''.

(c) COMPENSATORY DAMAGES.—Section 1221(g)(1)(A)(ii) of such title 5 is amended by striking all after ''travel expenses,'' and inserting ''any other reasonable and foreseeable consequential damages, and compensatory damages (including attorney's fees, interest, reasonable expert witness fees, and costs).''.

[(c)] *(d)* CONFORMING AMENDMENTS.—

(1) Section 1221(h) of such title 5 is amended by adding at the end the following:

''(3) Judicial review under this subsection shall not be available with respect to any decision or order as to which the employee, former employee, or applicant has filed a petition for judicial review under subsection (k).''.

(2) Section 7703(c) of such title 5 is amended by striking ''court.'' and inserting ''court, and in the case of a prohibited personnel practice described in section 2302(b)(8) brought under any provision of law, rule, or regulation described in section 1221(k)(3), the employee or applicant shall have the right to de novo review in accordance with section 1221(k).''.

SEC. 10. NATIONAL SECURITY WHISTLEBLOWER RIGHTS.

(a) IN GENERAL.—Chapter 23 of title 5, United States Code, is amended by inserting after section 2303 the following:

''§ 2303a. National security whistleblower rights

''(a) PROHIBITION OF REPRISALS.—

''(1) IN GENERAL.—In addition to any rights provided in section 2303 of this title, title VII of Public Law 105–272, or any other provision of law, an employee, former employee, or applicant for employment in a covered agency may not be discharged, demoted, or otherwise discriminated against (including by denying, suspending, or revoking a security clearance, or by otherwise restricting access to classified or sensitive information) as a reprisal for making a disclosure described in paragraph (2).

''(2) DISCLOSURES DESCRIBED.—A disclosure described in this paragraph is any disclosure of covered information which is made—

''(A) by an employee, former employee, or applicant for employment in a covered agency (without restriction as to time, place, form, motive, context, or prior disclosure made to any person by an employee, former employee, or applicant, including a disclosure made in the course of an employee's duties); and

''(B) to an authorized Member of Congress, an authorized official of an Executive agency, an authorized official of the Department of Justice, or the Inspector General of the covered agency in which such employee is employed, such former employee was employed, or such applicant seeks employment.

''(b) INVESTIGATION OF COMPLAINTS.—An employee, former employee, or applicant for employment in a covered agency who believes that such employee, former employee, or applicant has been subjected to a reprisal prohibited by subsection (a) may submit a complaint to the Inspector General and the head of the covered agency. The Inspector General shall investigate the complaint and, unless the Inspector General determines that the complaint is frivolous, submit a report of the findings of the investigation within 120 days to the employee, former employee, or applicant and to the head of the covered agency.

''(c) REMEDY.—

''(1) Within 180 days of the filing of the complaint, the head of the covered agency shall, taking into consideration the report of the Inspector General under subsection (b) (if any), determine whether the employee, former employee, or applicant has been subjected to a reprisal prohibited by subsection (a), and shall either issue an order denying relief or shall implement corrective action to return the employee, former employee, or applicant, as nearly as possible, to the position he would have held had the reprisal not occurred, including voiding any directive or order denying, suspending, or revoking a security clearance or otherwise restricting access to classified or sensitive information that constituted a reprisal, as well as providing back pay and related benefits, medical costs incurred, travel expenses, [and any other reasonable and foreseeable consequential damages including attorney's fees and costs.] *any other reasonable and foreseeable consequential damages, and compensatory damages (including attorney's fees, interest, reasonable expert witness fees, and costs).* If the head of the covered agency issues an order denying relief, he shall issue a report to the employee, former employee, or applicant detailing the reasons for the denial.

''(2)(A) If the head of the covered agency, in the process of implementing corrective action under paragraph (1), voids a directive or order denying, suspending, or revoking a security clearance or otherwise restricting access to classified or sensitive information that constituted a reprisal, the head of the covered agency may re-initiate procedures to issue a directive or order denying, suspending, or revoking a security clearance or otherwise restricting access to classified or sensitive information only if those re-initiated procedures are based exclusively on national security concerns and are unrelated to the actions constituting the original reprisal.

''(B) In any case in which the head of a covered agency re-initiates procedures under subparagraph (A), the head of the covered agency shall issue an unclassified report to its Inspector General and to authorized Members of Congress (with a classified annex, if necessary), detailing the circumstances of the agency's re-initiated procedures and describing the manner in which those procedures are based exclusively on national security concerns and are unrelated to the actions constituting the original reprisal. The head of the covered agency shall also provide periodic updates to the Inspector General and authorized Members of Congress detailing any significant actions taken as a result of those procedures, and shall respond promptly to inquiries from authorized Members of Congress regarding the status of those procedures.

''(3) If the head of the covered agency has not made a determination under paragraph (1) within 180 days of the filing of the complaint (or he has issued an order denying relief, in whole or in part, whether within that 180-day period or thereafter, then, within 90 days after such order is issued), the employee, former employee, or applicant for employment may bring an action at law or equity for de novo review to seek any corrective action described in paragraph (1) in the appropriate United States district court (as defined by section 1221(k)(2)), which shall have jurisdiction over such action without regard to the amount in [controversy.] *controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury.* [A petition to review a final decision under this paragraph shall be filed in the United States Court of Appeals for the Federal Circuit.] *An appeal from a final decision of a district court in an action under this paragraph may, at the election of the appellant, be taken to the Court of Appeals for the Federal Circuit (which shall have jurisdiction of such appeal), in lieu of the United States court of appeals for the circuit embracing the district in which the action was brought.*

''(4) An employee, former employee, or applicant adversely affected or aggrieved by an order issued under paragraph (1), or who seeks review of any corrective action determined under paragraph (1), may obtain judicial review of such order or determination in the United States Court of Appeals for the Federal [Circuit.] *Circuit or any United States court of appeals having jurisdiction over appeals from any United States district court which, under section 1221(k)(2), would be an appropriate United States district court.* No petition seeking such review may be filed more than 60 days after issuance of the order or the determination to implement corrective action by the head of the agency. Review shall conform to chapter 7.

''(5)(A) If, in any action for damages or relief under paragraph (3) or (4), an Executive agency moves to withhold information from discovery based on a claim that disclosure would be inimical to national security by asserting the privilege commonly referred to as the 'state secrets privilege', and if the assertion of such privilege prevents the [plaintiff] *employee, former employee, or applicant* from establishing an element in support of the [plaintiff's] *employee's, former employee's, or applicant's* claim, the court shall resolve the disputed issue of fact or law in favor of the [plaintiff] *employee, former employee, or applicant*, provided that an Inspector General investigation under subsection (b) has resulted in substantial confirmation of that element, or those elements, of the [plaintiff's] *employee's, former employee's, or applicant's* claim.

''(B) In any case in which an Executive agency asserts the privilege commonly referred to as the 'state secrets privilege', whether or not an Inspector General has conducted an investigation under subsection (b), the head of that agency shall, at the same time it asserts the privilege, issue a report to authorized Members of Congress, accompanied by a classified annex if necessary, describing the reasons for the assertion, explaining why the court hearing the matter does not have the ability to maintain the protection of classified information related to the assertion, detailing the steps the agency has taken to arrive at a mutually agreeable settlement with the employee, former employee, or applicant for employment, setting forth the date on which the classified information at issue will be declassified, and providing all relevant information about the underlying substantive matter.

''(d) APPLICABILITY TO NON-COVERED AGENCIES.—An employee, former employee, or applicant for employment in an Executive agency (or element or unit thereof) that is not a covered agency shall, for purposes of any disclosure of covered information (as described in subsection (a)(2)) which consists in whole or in part of classified or sensitive information, be entitled to the same protections, rights, and remedies under this section as if that Executive agency (or element or unit thereof) were a covered agency.

''(e) CONSTRUCTION.—Nothing in this section may be construed—

''(1) to authorize the discharge of, demotion of, or discrimination against an [employee] *employee, former employee, or applicant for employment* for a disclosure other than a disclosure protected by subsection (a) or (d) of this section or to modify or derogate from a right or remedy otherwise available to an employee, former employee, or applicant for employment; or

''(2) to preempt, modify, limit, or derogate any rights or remedies available to an employee, former employee, or applicant for employment under any other provision of law, rule, or regulation (including the Lloyd-La Follette Act).

No court or administrative agency may require the exhaustion of any right or remedy under this section as a condition for pursuing any other right or remedy otherwise available to an employee, former employee, or applicant under any other provision of law, rule, or regulation (as referred to in paragraph (2)).

''(f) DEFINITIONS.—For purposes of this section—

''(1) the term 'covered information', as used with respect to an employee, former employee, or applicant for employment, means any information (including classified or sensitive information) which the employee, former employee, or applicant reasonably believes evidences—

''(A) any violation of any law, rule, or regulation; or

''(B) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

''(2) the term 'covered agency' means—

''(A) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, and the National Reconnaissance Office; and

''(B) any other Executive agency, or element or unit thereof, determined by the President under section 2302(a)(2)(C)(ii)(II) to have as its principal function the conduct of foreign intelligence or counterintelligence activities;

''(3) the term 'authorized Member of Congress' means a member of the House Permanent Select Committee on Intelligence, the Senate Select Committee on Intelligence, the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the committees of the House of Representatives or the Senate that have oversight over the program about which the covered information is disclosed;

''(4) the term 'authorized official of an Executive agency' shall have such meaning as the Office of Personnel Management shall by regulation prescribe, except that such term shall, with respect to any employee, former employee, or applicant for employment in an agency, include—

''(A) the immediate supervisor of the employee or former employee and each successive supervisor (immediately above such immediate supervisor) within the employee's or former employee's chain of authority (as determined under such regulations); and

''(B) the head, general counsel, and ombudsman of such agency; and

''(5) the term 'authorized official of the Department of Justice' means any employee of the Department of Justice, the duties of whose position include the investigation, enforcement, or prosecution of any law, rule, or regulation.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 23 of title 5, United States Code, is amended by inserting after the item relating to section 2303 the following:

''2303a. National security whistleblower rights.''.

SEC. 11. ENHANCEMENT OF CONTRACTOR EMPLOYEE WHISTLEBLOWER PROTECTIONS.

(a) CIVILIAN AGENCY CONTRACTS.—Section 315(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 265(c)) is amended—

(1) in paragraph (1), by striking ''If the head'' and all that follows through ''actions:'' and inserting the following: ''Not later than 180 days after submission of a complaint under subsection (b), the head of the executive agency concerned shall determine whether the contractor concerned has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief or shall take one or more of the following actions:''; and

(2) by redesignating paragraph (3) as paragraph (4) and adding after paragraph (2) the following new paragraph (3):

''(3) If the head of an executive agency has not issued an order within 180 days after the submission of a complaint under subsection (b) and there is no showing that such delay is due to the bad faith of the complainant, the complainant shall be deemed to have exhausted his administrative remedies with respect to the complaint, and the complainant may bring an action at law or equity for de novo review to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in [controversy.] *controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury.*''.

(b) ARMED SERVICES CONTRACTS.—Section 2409(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''If the head'' and all that follows through ''actions:'' and inserting the following: ''Not later than 180 days after submission of a complaint under subsection (b), the head of the agency concerned shall determine whether the contractor concerned has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief or shall take one or more of the following actions:''; and

(2) by redesignating paragraph (3) as paragraph (4) and adding after paragraph (2) the following new paragraph (3):

''(3) If the head of an agency has not issued an order within 180 days after the submission of a complaint under subsection (b) and there is no showing that such delay is due to the bad faith of the complainant, the complainant shall be deemed to have exhausted his administrative remedies with respect to the complaint, and the complainant may bring an action at law or equity for de novo review to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in [controversy.] *controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury.*''.

SEC. 12. PROHIBITED PERSONNEL PRACTICES AFFECTING THE TRANSPORTATION SECURITY ADMINISTRATION.

(a) IN GENERAL.—Chapter 23 of title 5, United States Code, is amended—

(1) by redesignating sections 2304 and 2305 as sections 2305 and 2306, respectively; and

(2) by inserting after section 2303a (as inserted by section 10) the following:

''§ 2304. Prohibited personnel practices affecting the Transportation Security Administration

''(a) IN GENERAL.—Notwithstanding any other provision of law, any individual holding or applying for a position within the Transportation Security Administration shall be covered by—

''(1) the provisions of section 2302(b)(1), (8), and (9);

''(2) any provision of law implementing section 2302(b)(1), (8), or (9) by providing any right or remedy available to an employee or applicant for employment in the civil service; and

''(3) any rule or regulation prescribed under any provision of law referred to in paragraph (1) or (2).

''(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any rights, apart from those described in subsection (a), to which an individual described in subsection (a) might otherwise be entitled under law.

''(c) EFFECTIVE DATE.—This section shall take effect as of the date of the enactment of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 23 of title 5, United States Code, is amended by striking the items relating to sections 2304 and 2305, respectively, and by inserting the following:

''2304. Prohibited personnel practices affecting the Transportation Security Administration.

''2305. Responsibility of the Government Accountability Office.

''2306. Coordination with certain other provisions of law.''.

SEC. 13. CLARIFICATION OF WHISTLEBLOWER RIGHTS RELATING TO SCIENTIFIC AND OTHER RESEARCH.

Section 2302 of title 5, United States Code, is amended by adding at the end the following:

''(f) As used in section 2302(b)(8), the term 'abuse of authority' includes—

''(1) any action that compromises the validity or accuracy of federally funded research or analysis; and

''(2) the dissemination of false or misleading scientific, medical, or technical information.''.

SEC. 14. EFFECTIVE DATE.

This Act shall take effect 30 days after the date of the enactment of this Act, except as provided in the amendment made by section 12(a)(2).

The Acting CHAIRMAN. No further amendment is in order except those printed in House Report 110–48. Each further amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. STUPAK

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–48.

Mr. STUPAK. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. STUPAK:

Page 28, line 19, strike ''and''.

Page 28, line 21, strike ''technical.'.'' and insert ''technical; and''.

Page 28, after line 21, add the following:

''(3) any action that restricts or prevents an employee or any person performing federally funded research or analysis from publishing in peer-reviewed journals or other scientific publications or making oral presentations at professional society meetings or other meetings of their peers.''.

The Acting CHAIRMAN. Pursuant to House Resolution 239, the gentleman from Michigan (Mr. STUPAK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. STUPAK. Mr. Chairman, thank you for allowing me an opportunity to address my amendment, and I thank the Rules Committee for making my amendment in order. I want to recognize Mr. WAXMAN, Mr. BRALEY, Mr. DAVIS, and others of the Government Reform Committee for advancing a good bill, and I want to thank Mr. MARKEY for his help with this amendment and for his previous work in protecting the right of government scientists to publish their findings.

One of the most important sections of H.R. 985 deals with protecting the integrity of the scientific process by shielding whistleblowers who report tampering with government scientific investigations. My amendment would enhance whistleblower protection by including in the list of reportable actions any attempt to suppress the right of government scientists to publish or announce their findings in peer reviewed journals or public meetings with their fellow scientists.

In science, one of the strongest signs of credibility in a study is that the scientists are given a right to publish their rights freely, whatever those results may be. Completed studies are

submitted to peer-reviewed journals for consideration, allowing the scientific community at large to review, challenge and incorporate new findings.

The peer review process is a critical step in the development of scientific knowledge, and the transparency inherent in the process is one of our strongest safeguards against corrupted or misleading scientific claims.

Scientific studies funded by the taxpayers should be held to this same high standard. Political pressure on scientists to suppress or hide the results of their research is a direct attack on the public interest, and employees who report suppression of their scholarly publications should be given the same protection as those who report other kinds of corruption or abuse of authority.

My amendment would protect science in the public sector and has been endorsed by the Union of Concerned Scientists, a leading nonprofit organization dedicated to issues of scientific integrity.

Congress has already had some experience with this issue. In November 2004, the Senate Finance Committee heard testimony from Dr. David Graham, the whistleblower in the Vioxx case. Dr. Graham described how senior managers within the Office of Drug Safety of the FDA attempted to block publication of his study on the dangers of Vioxx, even going so far as to call the editors of The Lancet, a prestigious medical journal, to attack Dr. Graham's work.

Dr. Graham's case is not an isolated incident. In a recent survey by the Union of Concerned Scientists, 150 of 279 government scientists reported some sort of political interference with their work. When asked whether they believed they were free to publish results that might go against the political positions of their agency, a majority of those scientists who answered the question felt they were not free to publish.

We all know how important good science is in helping us make good public policy. As chairman of the Subcommittee on Oversight and Investigations, I am especially aware of the critical role whistleblowers have in rooting out abuses of power and aiding Congress in its oversight responsibilities.

My amendment helps to make the important scientific integrity section of the base bill more comprehensive and more clear. My amendment will protect the public's right to know the results of publicly funded research, and will help make a good bill even better.

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Virginia is recognized for 5 minutes.

Mr. TOM DAVIS of Virginia. Mr. Chairman, this amendment would amend the section of the bill dealing with the so-called ''politicization of science'' to say that Federal researchers and scientists are permitted to publicize the results of their federally funded research without any input from the agency paying their salaries and employing them.

First of all, I think it is inappropriate to shoehorn the debate about public policy influencing science into a bill about protecting whistleblowers. That is why I intend to support Mr. SALI's upcoming amendment to strike entirely the section which gives rise to this amendment.

Second, this amendment would make worse the provision in the underlying bill which would turn the natural tension between science and public policy into a personnel issue to be litigated in the courts.

The whistleblower laws protecting Federal employees are intended to protect individuals retaliated against for exposing waste, fraud, or abuse in government. This amendment has nothing to do with waste, fraud, or abuse, it actually has to do with one person's opinion.

Instead, this amendment would give an individual Federal researcher who conducts research using taxpayer dollars the full discretion as to how and where to publicize his or her research, prohibiting the agency who financed the research and for whom the researcher works from even getting involved in that process.

If a Federal researcher conducts a study using Federal money and decides he or she wants to present the research at a meeting in, say, Cuba, Iran, the Federal Government can wind up in court if it attempts to prevent the researcher from presenting the findings in that country.

Or if a Federal researcher conducts a study using Federal money on a classified national security matter involving, let's say, satellite technology, the Federal Government would be legally barred from having any say in how and to whom that information gets disseminated.

It is an overreach. This amendment protects one individual's right to determine how best to use taxpayer dollars instead of the collective judgment of elected and appointed policymakers. And to add insult to injury, the underlying bill would require taxpayers to pay the attorneys' fees of the individual should the researcher sue the government for trying to get involved.

To make matters worse, there is nothing in this amendment that would bar the Federal researcher from touting the fact that his or her work was ''Federal research,'' giving it the pretense of being research endorsed by the American public. It is a slippery slope to scientific chaos where the taxpayer foots the bill for conflicting, misleading, and possibly even poorly done work. There are no protections for the public or taxpayers for this amendment.

We have held a number of hearings in the Oversight and Government Reform Committee under the leadership of Chairman WAXMAN to investigate the possibility of ''politicization'' of science, and I understand the problem this amendment is attempting to address. I don't think, however, this is the way to do it. This is possibly a deal killer in terms of how this bill comes together in getting support from this side of the aisle.

This amendment is bad public policy, and it is bad for national security. I urge my colleagues to oppose this amendment.

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

Mr. STUPAK. Mr. Chairman, I will be brief.

I sat for 12 years on the Energy and Commerce Committee, Oversight and Investigations, and I cannot tell you how many times we have dealt with scientists who have come forward under a whistleblower status, or will call us up in cases like the Vioxx that I mentioned.

I have an article I will include for the RECORD where a scientist said, ''FDA Called Journal to Block Vioxx Article.'' Thousands of people have died because a drug was put forth on the market because the scientist within the FDA was not allowed to publish the results of his study and was not allowed to speak at advisory panels.

We also see that in a drug called Ketek. It is a drug we continue to do investigation on, and we will have further hearings next week on it, how fraudulent studies were put forth before the FDA. The scientists knew it, and the FDA suppressed the evidence and allowed the drug to be approved, to the detriment and the death of many Americans.

And there is the drug Accutane which has many mysterious questions surrounding it, and people have not been allowed to testify at advisory panels which must approve a drug before it is put forth for public use.

This is a safety issue, and 150 of 279 government scientists reported political interference with their work.

My amendment protects the public right to know the results of taxpayer-funded research. What is wrong with that?

This amendment is a good amendment. It will make the bill better. I ask that my amendment be approved.

[From USA Today]

SCIENTIST SAYS FDA CALLED JOURNAL TO BLOCK VIOXX ARTICLE

(By Rita Rubin)

Just days before a medical journal was to publish a Food and Drug Administration-sponsored study that raised concerns about the safety of the arthritis drug Vioxx, an FDA official took the unusual step of calling the editor to raise questions about the findings' scientific integrity, suggests e-mail obtained by USA TODAY.

Lead author David Graham says the call was part of an effort to block publication of his research, an analysis of a database of 1.4 million Kaiser Permanente members showing that those who took Vioxx were more likely to suffer a heart attack or sudden cardiac death than those who took Celebrex,

Vioxx's rival. Graham had reported his study in August at an epidemiology meeting in France, but publication in a medical journal would have exposed it to a wider audience.

Graham, associate director for science and medicine at the FDA's Office of Drug Safety, says The Lancet, a medical journal published in London, had planned to post the study on its Web site Nov. 17, a day in advance of his appearance before the Senate Finance Committee to testify about the FDA's handling of Vioxx.

Merck had pulled the drug from the market Sept. 30 because of safety concerns. Publication of the study could have embarrassed the FDA, which was being criticized for not warning patients sooner of Vioxx's cardiovascular risks.

Steven Galson, acting director of the FDA's Center for Drug Evaluation and Research, said Sunday that Graham's charges are unfounded. ''We didn't make any efforts to block publication in The Lancet,'' he said. ''What we did is let The Lancet know that the paper was submitted in violation of the agency's clearance process.'' Graham had sought to publish his study before getting the FDA's OK, Galson said.

And in a written statement, FDA Acting Commissioner Lester Crawford said that Galson contacted Lancet editor Richard Horton ''out of respect for the scientific review process.''

Galson said he would like to see the paper published some day but didn't see the value of timing its release to the Senate hearing, ''not exactly a scientific imperative.''

Graham says he pulled his paper at the last minute because he feared for his job. Following is a chronology of the events surrounding the paper's withdrawal:

Nov. 12. Galson called Horton to tell him that the FDA had not cleared Graham's paper for publication. He then e-mailed Horton a link to a document describing the FDA's internal review process for journal articles. ''As you will see, there are some ambiguities here,'' Galson said in his e-mail.

In a later e-mail to Horton that day, Galson brought up points from a nine-page review of Graham's study by Ann Trontell, deputy director of the FDA's drug safety office. Galson and Trontell noted discrepancies between the article submitted to The Lancet and an abstract of the study that had been submitted in May for presentation at a second scientific meeting, an American College of Rheumatology conference. Trontell's review, which Graham had forwarded to Horton, refers to ''potential charges of data manipulation.''

Graham says he had already explained the discrepancies to his superiors at the FDA. After the abstract was submitted to the rheumatology group, Graham says, he discovered two problems: A computer program had misclassified the amount of Vioxx some patients had taken; and one of his co-authors noticed that an analysis Graham had done was incorrect.

Graham says the rheumatology group told him that it was too late to correct the printed abstract, but that he could present the corrected analysis at its annual meeting in October, as he had at the epidemiology meeting in August

Nov. 14. In an e-mail to Galson, Horton wrote, ''You will not be surprised if I say that I was a little taken aback to get your call on Friday (Nov. 12). It is very unusual indeed for a member of the employing institution of an author to contact us in the middle of the review and publication process of a manuscript.''

Horton wrote that Galson's call could be perceived as an improper attempt to interfere with The Lancet's review process. Raising the possibility that a scientist manipulated data ''is an extremely serious allegation,'' Horton wrote. ''One could read such an allegation as an attempt to introduce doubt into our minds about the honesty of the authors—doubt that might be sufficient to delay or stop publication of research that was clearly of serious public interest''

Nov. 18. Graham told a Senate panel that the FDA is ''virtually defenseless'' against another ''terrible tragedy and a profound regulatory failure'' like Vioxx.

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, I don't think there is a Member of this House that doesn't sympathize with what the gentleman from Michigan is trying to do.

The difficulty is the way this amendment is drafted. It is a huge overreach. It allows anybody who is doing research under the auspices of the Federal Government to then publish it without any kind of overview from their superiors, who sometimes have competing reports and deliberations as they reach a public policy decision.

This is bad law. It allows attorneys' fees in the case where somebody is denied that opportunity.

This kind of overreach amendment is not about whistleblowing at all; it is a politicization of science from the other perspective. I urge Members to defeat this amendment.

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

Mr. STUPAK. Mr. Chairman, I yield the balance of my time to the gentleman from Iowa (Mr. BRALEY).

Mr. BRALEY of Iowa. Mr. Chairman, I rise in support of this amendment, and I thank the gentleman from Michigan for introducing this amendment which would enhance a provision of underlying legislation that protects scientific whistleblowers.

The underlying provision clarifies that whistleblowers disclosing political or ideological interference with Federal science are protected from retaliation. This amendment furthers that goal by affirming that Federal scientists and grantees should also be able to report censorship of scientific debate without fearing reprisal.

I support passage of this amendment. I urge Members to vote ''yes.''

The Acting CHAIRMAN. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from Michigan (Mr. STUPAK).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. PLATTS

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–48.

Mr. PLATTS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. PLATTS:

Strike the heading for section 3 and insert the following (and amend the table of contents accordingly):

SEC. 3. DEFINITIONAL AMENDMENTS.

In section 3, insert ''(a) DISCLOSURE.—'' before ''Section'' and add at the end the following:

(b) CLEAR AND CONVINCING EVIDENCE.—Sections 1214(b)(4)(B)(ii) and 1221(e)(2) of title 5, United States Code, are amended by adding at the end the following: ''For purposes of the preceding sentence, 'clear and convincing evidence' means evidence indicating that the matter to be proved is highly probable or reasonably certain.''.

The Acting CHAIRMAN. Pursuant to House Resolution 239, the gentleman from Pennsylvania (Mr. PLATTS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

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

Mr. Chairman, this amendment would require the Merit Systems Protection Board to rely on a consistent standard for clear and convincing evidence, which is the burden of proof that must be met to sustain an agency's affirmative defense that it would have taken the same personnel action in question independent of an employee's protected contact.

Under the amendment, clear and convincing evidence will be defined as ''evidence indicating that the matter to be proved is highly probable or reasonably certain.'' This standard is consistent with United States Supreme Court precedent and administrative decisions for remedial employment statutes.

By way of background, when Congress passed the Whistleblower Protection Act of 1989, it intended to toughen the legal burden of proof for a Federal agency's affirmative defense once a whistleblower establishes a prima facie case of retaliation from ''preponderance of the evidence'' to ''clear and convincing evidence.'' However, just the opposite has occurred. The clear and convincing evidence standard is now the primary basis cited to rule against whistleblowers in decisions on merits.

The reason behind this is that the Merit Systems Protection Board has created a unique test for clear and convincing evidence which is inconsistent with long-established judicial and administrative norms. In assessing the standard, the board considers three factors:

First, the merits of an agency's stated independent justification for acting against a whistleblower; second, whether there was a motive to retaliate; and third, whether the action reflects discriminatory treatment compared to that afforded employees who have not engaged in protective conduct.

The three-part test leaves the board with broad discretion in any given case with respect to how many criteria an agency must demonstrate and what level of proof must be demonstrated for each factor.

Adoption of this amendment is necessary in order to restore congressional intent in passing the Whistleblower Protection Act.

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Through the WPA and this legislation we are now considering, Congress has defined the terms for two of the three tests an employee must pass to obtain relief: ''reasonable belief'' and ''contributing factor.'' For the administrative process to function as intended, Congress must also define ''clear and convincing evidence.''

Accordingly, I urge a ''yes'' vote on the amendment. I appreciate this amendment being made in order by the Rules Committee.

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

Mr. BRALEY of Iowa. Mr. Chairman, I rise in support of this amendment offered by the gentleman from Pennsylvania and commend him for his work.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIRMAN. The gentleman from Virginia is recognized for 5 minutes.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

I oppose this amendment. This amendment would raise the threshold by which agencies must prove they would have taken disciplinary action against an employee notwithstanding the employee's whistleblower claim.

Current law requires agencies to prove this by clear and convincing evidence. This amendment raises the threshold and requires agencies to prove that such action was highly probable or reasonably certain.

There may be a real issue here which must be addressed, but after working on this bill for years now yesterday was the first time that this issue was brought to our attention.

On its face, I am concerned this amendment would raise an already high threshold imposed upon agencies trying to prove they are placing an employee on administrative leave because, for example, the employee sexually harassed another employee and not because the employee is a whistleblower. The current clear and convincing evidence standard seems a sufficient burden of proof to impose upon agencies.

I am also concerned we may be establishing a dangerous precedent by further defining in one isolated statute what the term ''clear and convincing evidence'' means. Does the U.S. Code typically define standards of proof such as ''clear and convincing'' and ''beyond a reasonable doubt'' or are these terms of art defined in case law? And does this new definition of ''highly probable'' or ''reasonably certain'' actually solve the problem or does it make it even more confusing for courts and litigants?

Mr. Chairman, there may be a valid issue here worth investigating. It is entirely possible that the Office of Special Counsel, the Merit Systems Protection Board and the courts are getting this wrong, but we should review this proposed change and vet it through the committee process before amending the Whistleblower Protection Act.

The good news is we have an opportunity to address these questions. The authorizations for both the Office of Special Counsel and the Merit Systems Protection Board expire this year, and the committee can and should carefully review the issue as we consider these reauthorizations.

I think my concern on this, if there is a pending sexual harassment claim against an employee, and they all of the sudden turn out and become a whistleblower, that then in the sexual harassment claim we have a higher standard, and for the litigant, the person that has been harassed in that case, they have a higher burden of proof than they would notwithstanding the whistleblower claim. I do not think that is fair to the person who is being harassed in this case, and I do not see a need for it.

So I urge my colleagues to oppose this amendment today and allow the committee in regular order to consider carefully and foil this problem identified by my good friend and colleague Mr. PLATTS.

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

Mr. PLATTS. Mr. Chairman, I appreciate the gentleman's concerns raised and certainly will keep them in mind as we move forward with this process today and in the weeks and months to come.

I yield 1½ minutes to the gentleman from Iowa (Mr. BRALEY).

Mr. BRALEY of Iowa. Mr. Chairman, I rise in support of this amendment offered by the gentleman from Pennsylvania and commend him for his work. This amendment will clarify the standard used to evaluate an employee's defense when a whistleblower claims that an employer acted in illegal retaliation.

When a whistleblower claims that an agency engaged in a retaliatory action, it is an affirmative defense for the agency if it can prove that it would have taken the same action even if the employee had not blown the whistle. This is, in fact, the same type of analysis that takes place in sex discrimination and sexual harassment claims, and yet nothing in this amendment would impose a different burden of proof in those cases because they are statutory-based claims and are not affected by the amendment.

Congress set the agency's burden of proof for this defense as ''clear and convincing evidence'' in the Whistleblower Protection Act. The Merit Systems Protection Board has ignored the intent of Congress and implemented its own test for evaluating whether or not an agency has shown clear and convincing evidence that it would have taken the same action anyway.

This has made it almost impossible for employees to successfully challenge retaliatory personnel actions.

This amendment defines clear and convincing evidence as evidence indicating that the matter to be proved is highly probable or reasonably certain.

This is a commonsense fix that clarifies Congress' intent.

I support this amendment which will further strengthen protection for whistleblowers and urge all Members to vote ''yes'' in support of the amendment.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I just urge my colleagues to oppose the amendment, and I yield back the balance of my time.

Mr. PLATTS. Mr. Chairman, again, I appreciate the gentleman from Iowa's support and words in support of this amendment and urge a ''yes'' vote. I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PLATTS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. PLATTS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. PLATTS

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–48.

Mr. PLATTS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. PLATTS:

In section 2, in the matter to be inserted by paragraphs (1)(A) and (2)(A) thereof, insert ''forum,'' after ''context,''.

In section 2, insert ''(a) IN GENERAL.—'' before ''Section'' and add at the end the following:

(b) PROHIBITED PERSONNEL PRACTICES UNDER SECTION 2302(b)(9).—Title 5, United States Code, is amended in subsections (a)(3), (b)(4)(A), and (b)(4)(B)(i) of section 1214 and in subsections (a) and (e)(1) of section 1221 by inserting ''or 2302(b)(9)(B)-(D)'' after ''section 2302(b)(8)'' each place it appears.

In section 1221(k)(1) of title 5, United States Code (as added by section 9(a)), insert ''or 2302(b)(9)(B)-(D)'' after ''section 2302(b)(8)''.

In section 7703(b)(3) of title 5, United States Code (as added by section 9(b)(2)), insert ''or 2302(b)(9)(B)-(D)'' after ''section 2302(b)(8)''.

In the matter to be inserted by section 9(d)(2) in section 7703(c) of title 5, United States Code, insert ''or 2302(b)(9)(B)-(D)'' after ''section 2302(b)(8)''.

In section 2303a(a)(2)(A) of title 5, United States Code (as amended by section 10(a)), insert ''forum,'' after ''context,''.

The Acting CHAIRMAN. Pursuant to House Resolution 239, the gentleman from Pennsylvania (Mr. PLATTS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. PLATTS. Mr. Chairman, I yield myself as much time as I may consume.

This amendment is intended to address situations in which an employee faces retaliation for being associated with whistleblowers through his or her testimony in a legal proceeding, and to encourage cooperation with Inspector General and Office of Special Counsel investigations, as well as compliance with the law.

Oddly, under current law, whistleblowers who make their disclosures of waste, fraud or abuse in the context of another employee's legal appeal, a grievance hearing, an Inspector General or Office of Special Counsel investigation are not given the same protections as other whistleblowers, such as those who blow the whistle on national television. This simply does not make sense.

My amendment would rectify this situation in three ways. First, the amendment would clarify that a protected disclosure cannot be disqualified because of the forum in which it is made, such as through witness testimony in another employee's appeal.

Second, the amendment would establish more realistic burdens of proof, the same as exist in most whistleblower cases, for those who were retaliated against because they testified on behalf of an employee exercising their legal rights, because they cooperated with an Inspector General or Special Counsel investigation, or because they refused to obey an order that would have required a violation of the law.

And third, the amendment gives these whistleblowers access to the same due process rights as other whistleblowers.

Testifying under oath, cooperating with an Inspector General or Special Counsel investigation, and refusing orders to violate the law are all important ways by which public servants can expose waste, fraud and abuse in the government. Accordingly, I urge a ''yes'' vote on the amendment.

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

Mr. BRALEY of Iowa. Mr. Chairman, I rise in support of the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Iowa is recognized for 5 minutes.

There was no objection.

Mr. BRALEY of Iowa. Mr. Chairman, I yield myself such time as I may consume.

This amendment clarifies that Federal whistleblowers are protected regardless of where they are or when they blow the whistle.

A whistleblower who makes a disclosure that is considered a whistleblower disclosure under 5 U.S.C. 2302(b)(8) gets the benefit of protections such as the right to challenge a retaliatory act by an employer. If the same whistleblower makes the same disclosure but does it while testifying as a plaintiff or as a witness in litigation, the whistleblower does not get the same protections.

We should protect Federal employees who expose government wrongdoing, no matter what the forum. This amendment appropriately extends Whistleblower Protection Act coverage to employees who make disclosures in litigation as described in 5 U.S.C. Section 2302(b)(9).

This amendment extends equal burdens of proof and individual rights of action to whistleblowers who serve as witnesses in Inspector General and Special Counsel investigations. This amendment also clarifies that these protections apply to Federal employees who face retaliation for refusing to violate the law.

I urge my colleagues to support this amendment, which closes these senseless loopholes.

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

Mr. PLATTS. Mr. Chairman, how much time do I have?

The Acting CHAIRMAN. The gentleman from Pennsylvania (Mr. PLATTS) has 3½ minutes remaining. The gentleman from Iowa (Mr. BRALEY) has yielded back the balance of his time.

Mr. PLATTS. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. TOM DAVIS), the ranking member of the Committee on Oversight and Government Reform.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I thank the gentleman from Pennsylvania and, once again, thank him for his leadership on this issue. I support this amendment.

This amendment will extend additional whistleblower protections against reprisal to employees who cooperate with their agency Inspector General or in some other official grievance or investigative process.

Unfortunately, courts have misread the intent of the Whistleblower Protection Act and have arbitrarily reclassified certain whistleblowing activity as an exercise of appeal right. These rights are covered under a different section of title V of the U.S. Code.

By reclassifying these activities as exercises of appeal right, the courts have deprived employees of whistleblowing protection for their same disclosure showing significant misconduct if presented in a grievance or litigation instead of, for example, in a television interview.

It could occur when an employee faces reprisal as one associated with a whistleblower when testifying in an IG investigation or Office of Special Counsel investigation.

It strikes me these are precisely the forums Congress intended the whistleblower to take. These are, in essence, whistleblowers who are operating within the existing chain of command. They have used the chain of command, not gone outside the system, but they are not afforded the same protection as those who do.

These are the forums where we can actually make a difference to policymakers. This amendment ends the inequity by clarifying that an otherwise protected disclosure cannot be disqualified because of the forum where it is communicated.

I support this amendment. I congratulate my friend for offering it.

Mr. PLATTS. Mr. Chairman, I would just like to again recognize the ranking member, the past several terms as the chairman of the Government Reform Committee. He and his staff have been instrumental in moving this issue forward and working with my staff and members on the other side as well, and want to recognize him and his staff for their great work.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PLATTS).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. SALI

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–48.

Mr. SALI. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. SALI:

Strike section 13 (and make all necessary technical and conforming changes).

The Acting CHAIRMAN. Pursuant to House Resolution 239, the gentleman from Idaho (Mr. SALI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Idaho.

□ 1615

Mr. SALI. Mr. Chairman, my amendment would remove language from H.R. 985 that would prohibit dissent with respect to scientific research.

I filed my amendment because I believe it is inappropriate to attempt to shoehorn the debate about public policy influencing science into this legislation, thus turning it into a personnel issue to be litigated in the courts.

As set forth by section 13 of the bill, the dissemination of ''false or misleading technical information'' is deemed to be an ''abuse of authority'' upon which a Federal authority can make a protected disclosure.

The problem is that on scientific issues, the question of what is false or misleading is often a difficult question on which reasonable people can disagree, and on which sometimes scientific authorities have a hard time making up their minds. Are eggs good for you or bad for you? Is milk good for you or bad for you?

Section 13 of this bill has significant implications upon the development of scientific research conducted by the government, including research and development work at the Defense Department, as well as federally funded research on health and related issues. By including the science provisions in this bill, I am concerned that we are opening the door for debates in science to become the basis of litigation. Putting the threat of litigation on a healthy debate of science is not good public policy.

Furthermore, this clause potentially makes the tension between ethics and science the subject of litigation. For example, federally funded scientific research on human cloning should be debated amongst policymakers and agency officials without fear of retaliation by scientists and researchers. If an agency or the administration disagrees with the findings of a particular scientist, we should not be opening up our judicial system for those disagreements to be litigated as Federal employee personnel issues. That hardly seems like a responsible policy.

I urge my colleagues to oppose turning science into a personnel issue to be litigated in the courts.

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

Mr. BRALEY of Iowa. Mr. Chairman, I rise in strong opposition to this amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. BRALEY of Iowa. For the past 6 years, there has been overwhelming political interference with science by the Bush administration. We have seen examples of government scientists barred from conducting or presenting research because it conflicts with administration policies. We have seen scientific findings manipulated or outright rejected when they don't bolster favored policies. And we have seen government agencies put out information about health that is entirely false, but politically advantageous. In one EPA report on the environment, the White House made so many edits to downplay the discussion of global warming that scientists at the agency said the draft no longer accurately represents scientific consensus on climate change.

The FDA delayed approval of plan B for over-the-counter use based on political, not scientific, reasons, causing senior FDA officials and scientific experts to resign in protest.

Numerous scientific and medical organizations have taken positions against this abuse of science. It has been condemned in the editorial pages of the most prominent scientific journals. The Journal of Science, for instance, said that this interference invades areas once immune to this kind of manipulation.

Mr. Chairman, 52 Nobel Laureates, 62 National Medal of Science winners, 194 members of the National Academies of Science and thousands of other American scientists have signed a statement speaking out against political interference in science. To prevent and remedy these kinds of problems, we have to know about them. That is why this legislation makes clear that employees who want to disclose these kinds of abuses are entitled to whistleblower protections. Our Federal scientists should not be punished at work for coming forward to report these abuses of science.

This legislation will have no effect at all on legitimate political or policy decisions related to scientific issues. All it does is prevent retaliation against employees who report abuses of science. The amendment we are debating now would strike this critical provision.

I strongly oppose the amendment and urge all Members to vote ''nay.''

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

Mr. SALI. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Chairman, I rise in support of this amendment and for the exact same reason that my colleague on the other side of the aisle opposes it.

We have a predicament that we are dealing with in this very committee, in the Committee on Oversight and Government Reform. We are dealing with global warming. The $2 billion-plus that we spend every year, and scientists like Jim Hansen and others who have been out there saying what they want to freely, the way they want to, and they have done this at a time in which there is an allegation of a problem. Quite frankly, it is amazing that when I Google, I get tens of thousands of hits on a scientist who is talking about why global warming is a threat, why we have to do things quickly, and yet there is some theory that we have stifled science.

By treating science separately in the whistleblower status, we are doing a disservice to every scientist and treating them adversely, separately and differently. This simply wants to return us to a procedure that we had before, one that has worked. In fact, Jim Hansen, who will be before our committee next week, and others have gone through a vetting process and then proceeded to make freely the speeches they wanted to make. There has not been a need for whistleblower. In fact, scientists are free to express their opinions now, and that is appropriate; they can do it under the existing guidelines.

This amendment seeks to return us to what was a functioning system, one in which we supported science, and scientists have been free to say what they want to. There may be edits going up the process that the gentleman on the other side of the aisle objects to, but there were edits under the previous administration.

I urge support of the Sali amendment, recognizing that, in fact, this would be a sword that could cut both ways and the future could be adverse to the very scientists it seeks to assist.

Mr. BRALEY of Iowa. Mr. Chairman, this amendment, which strikes section 13 of the underlying bill, is very simple; all it does is expand the term ''abuse of authority'' under existing law to include any action that compromises the validity or accuracy of federally funded research or analysis. And it is the federally funded component of that clause that makes this amendment bad for the American people.

American taxpayers should not have the risk of important scientific research being impacted by political influence from any political party. That is why it is important that this amendment be defeated.

There are those that say that politics and science will always intersect. That is absolutely true. Science doesn't give us all the answers. We have to make political and policy decisions about the right path to follow.

For example, an administration might decide not to support a certain type of research. We may not agree with that decision, but the administration has a right to make it as long as it is honest about the information and rationale behind it. What is not acceptable is when the government actually manipulates science to advance its decisions.

Hiding data, releasing misinformation, gagging scientists, all to justify a political course of action, is wrong. That is the type of action that we want Federal employees to feel safe in reporting. And that is why this bill makes crystal clear that disclosures related to manipulation and distortion of science are protected disclosures. That is why I again call upon my colleagues on both sides of the aisle to join me in voting against this amendment.

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

Mr. SALI. Mr. Chairman, how much time is remaining?

The Acting CHAIRMAN. The gentleman from Idaho has 1 minute remaining.

Mr. SALI. Mr. Chairman, I would expect that the good gentleman that is debating against this amendment has policies in his office that allow him to control the message that comes out of his office, not to hide anything, I'm sure, but so that he will have a uniform message. That is important at times within government agencies.

What we do not want to do, Mr. Chairman, is, we do not want to include a provision in this bill that will put scientific debate in the middle of personnel issues for the Federal Government. We do not want to put the results of scientific research, we don't want to take that out of the grasp of debate by policymakers for fear of retaliation by scientists and researchers who are doing work for the Federal Government.

Mr. Chairman, this is good public policy to have this amendment, to take this section out of the bill; and I would

urge my colleagues to support this amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho (Mr. SALI).

The question was taken, and the Acting Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SALI. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Idaho will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. TIERNEY

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110–48.

Mr. TIERNEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. TIERNEY:

Page 13, strike line 19, and all that follows through page 24, line 7, and insert the following:

SEC. 10. NATIONAL SECURITY WHISTLEBLOWER RIGHTS.

(a) IN GENERAL.—Chapter 23 of title 5, United States Code, is amended by inserting after section 2303 the following:

"§ 2303a. National security whistleblower rights

''(a) PROHIBITION OF REPRISALS.—

''(1) IN GENERAL.—In addition to any rights provided in section 2303 of this title, title VII of Public Law 105–272, or any other provision of law, an employee or former employee in a covered agency may not be discharged, demoted, or otherwise discriminated against (including by denying, suspending, or revoking a security clearance, or by otherwise restricting access to classified or sensitive information) as a reprisal for making a disclosure described in paragraph (2).

''(2) DISCLOSURES DESCRIBED.—A disclosure described in this paragraph is any disclosure of covered information which is made—

''(A) by an employee or former employee in a covered agency (without restriction as to time, place, form, motive, context, or prior disclosure made to any person by an employee or former employee, including a disclosure made in the course of an employee's duties); and

''(B) to an authorized Member of Congress, an authorized official of an Executive agency, or the Inspector General of the covered agency in which such employee or former employee is or was employed.

''(b) INVESTIGATION OF COMPLAINTS.—An employee or former employee in a covered agency who believes that such employee or former employee has been subjected to a reprisal prohibited by subsection (a) may submit a complaint to the Inspector General and the head of the covered agency. The Inspector General shall investigate the complaint and, unless the Inspector General determines that the complaint is frivolous, submit a report of the findings of the investigation within 120 days to the employee or former employee (as the case may be) and to the head of the covered agency.

''(c) REMEDY.—

''(1) Within 180 days of the filing of the complaint, the head of the covered agency shall, taking into consideration the report of the Inspector General under subsection (b) (if any), determine whether the employee or former employee has been subjected to a reprisal prohibited by subsection (a), and shall either issue an order denying relief or shall implement corrective action to return the employee or former employee, as nearly as possible, to the position he would have held had the reprisal not occurred, including voiding any directive or order denying, suspending, or revoking a security clearance or otherwise restricting access to classified or sensitive information that constituted a reprisal, as well as providing back pay and related benefits, medical costs incurred, travel expenses, any other reasonable and foreseeable consequential damages, and compensatory damages (including attorney's fees, interest, reasonable expert witness fees, and costs). If the head of the covered agency issues an order denying relief, he shall issue a report to the employee or former employee detailing the reasons for the denial.

''(2)(A) If the head of the covered agency, in the process of implementing corrective action under paragraph (1), voids a directive or order denying, suspending, or revoking a security clearance or otherwise restricting access to classified or sensitive information that constituted a reprisal, the head of the covered agency may re-initiate procedures to issue a directive or order denying, suspending, or revoking a security clearance or otherwise restricting access to classified or sensitive information only if those re-initiated procedures are based exclusively on national security concerns and are unrelated to the actions constituting the original reprisal.

''(B) In any case in which the head of a covered agency re-initiates procedures under subparagraph (A), the head of the covered agency shall issue an unclassified report to its Inspector General and to authorized Members of Congress (with a classified annex, if necessary), detailing the circumstances of the agency's re-initiated procedures and describing the manner in which those procedures are based exclusively on national security concerns and are unrelated to the actions constituting the original reprisal. The head of the covered agency shall also provide periodic updates to the Inspector General and authorized Members of Congress detailing any significant actions taken as a result of those procedures, and shall respond promptly to inquiries from authorized Members of Congress regarding the status of those procedures.

''(3) If the head of the covered agency has not made a determination under paragraph (1) within 180 days of the filing of the complaint (or he has issued an order denying relief, in whole or in part, whether within that 180-day period or thereafter, then, within 90 days after such order is issued), the employee or former employee may bring an action at law or equity for de novo review to seek any corrective action described in paragraph (1) in the appropriate United States district court (as defined by section 1221(k)(2)), which shall have jurisdiction over such action without regard to the amount in controversy. An appeal from a final decision of a district court in an action under this paragraph may, at the election of the appellant, be taken to the Court of Appeals for the Federal Circuit (which shall have jurisdiction of such appeal), in lieu of the United States court of appeals for the circuit embracing the district in which the action was brought.

''(4) An employee or former employee adversely affected or aggrieved by an order issued under paragraph (1), or who seeks review of any corrective action determined under paragraph (1), may obtain judicial review of such order or determination in the United States Court of Appeals for the Federal Circuit or any United States court of appeals having jurisdiction over appeals from any United States district court which, under section 1221(k)(2), would be an appropriate United States district court. No petition seeking such review may be filed more than 60 days after issuance of the order or the determination to implement corrective action by the head of the agency. Review shall conform to chapter 7.

''(5)(A) If, in any action for damages or relief under paragraph (3) or (4), an Executive agency moves to withhold information from discovery based on a claim that disclosure would be inimical to national security by asserting the privilege commonly referred to as the 'state secrets privilege', and if the assertion of such privilege prevents the employee or former employee from establishing an element in support of the employee's or former employee's claim, the court shall resolve the disputed issue of fact or law in favor of the employee or former employee, provided that an Inspector General investigation under subsection (b) has resulted in substantial confirmation of that element, or those elements, of the employee's or former employee's claim.

''(B) In any case in which an Executive agency asserts the privilege commonly referred to as the 'state secrets privilege', whether or not an Inspector General has conducted an investigation under subsection (b), the head of that agency shall, at the same time it asserts the privilege, issue a report to authorized Members of Congress, accompanied by a classified annex if necessary, describing the reasons for the assertion, explaining why the court hearing the matter does not have the ability to maintain the protection of classified information related to the assertion, detailing the steps the agency has taken to arrive at a mutually agreeable settlement with the employee or former employee, setting forth the date on which the classified information at issue will be declassified, and providing all relevant information about the underlying substantive matter.

''(d) APPLICABILITY TO NON-COVERED AGENCIES.—An employee or former employee in an Executive agency (or element or unit thereof) that is not a covered agency shall, for purposes of any disclosure of covered information (as described in subsection (a)(2)) which consists in whole or in part of classified or sensitive information, be entitled to the same protections, rights, and remedies under this section as if that Executive agency (or element or unit thereof) were a covered agency.

''(e) CONSTRUCTION.—Nothing in this section may be construed—

''(1) to authorize the discharge of, demotion of, or discrimination against an employee or former employee for a disclosure other than a disclosure protected by subsection (a) or (d) of this section or to modify or derogate from a right or remedy otherwise available to an employee or former employee; or

''(2) to preempt, modify, limit, or derogate any rights or remedies available to an employee or former employee under any other provision of law, rule, or regulation (including the Lloyd-La Follette Act).

No court or administrative agency may require the exhaustion of any right or remedy under this section as a condition for pursuing any other right or remedy otherwise available to an employee or former employee under any other provision of law, rule, or regulation (as referred to in paragraph (2)).

''(f) DEFINITIONS.—For purposes of this section—

''(1) the term 'covered information', as used with respect to an employee or former employee, means any information (including classified or sensitive information) which the employee or former employee reasonably believes evidences—

''(A) any violation of any law, rule, or regulation; or

''(B) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

''(2) the term 'covered agency' means—

''(A) the Federal Bureau of Investigation, the Office of the Director of National Intelligence, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, and the National Reconnaissance Office; and

''(B) any other Executive agency, or element or unit thereof, determined by the President under section 2302(a)(2)(C)(ii)(II) to have as its principal function the conduct of foreign intelligence or counterintelligence activities;

''(3) the term 'authorized Member of Congress' means—

''(A) with respect to covered information about sources and methods of the Central Intelligence Agency, the Director of National Intelligence, and the National Intelligence Program (as defined in section 3(6) of the National Security Act of 1947), a member of the House Permanent Select Committee on Intelligence, the Senate Select Committee on Intelligence, or any other committees of the House of Representatives or Senate to which this type of information is customarily provided;

''(B) with respect to special access programs specified in section 119 of title 10, an appropriate member of the Congressional defense committees (as defined in such section); and

''(C) with respect to other covered information, a member of the House Permanent Select Committee on Intelligence, the Senate Select Committee on Intelligence, the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, or any other committees of the House of Representatives or the Senate that have oversight over the program which the covered information concerns; and

''(4) the term 'authorized official of an Executive agency' shall have such meaning as the Office of Personnel Management shall by regulation prescribe, except that such term shall, with respect to any employee or former employee in an agency, include the head, the general counsel, and the ombudsman of such agency.''.

The Acting CHAIRMAN. Pursuant to House Resolution 239, the gentleman from Massachusetts (Mr. TIERNEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Chairman, as we discussed already here, whistleblowers play a key role in holding government accountable, and this legislation takes the important and long-overdue step of providing whistleblower protections for Federal workers who specialize in national security issues.

This amendment was carefully crafted to clarify the process by which national security whistleblower information, that is, information which may evidence a violation of law, rule or regulation of gross mismanagement, fraud, waste, or abuse is shared with executive branch officials and Members of Congress. It specifically addresses information possessed by whistleblowers involving intelligence sources and methods. And in those instances that is information that is customarily provided to the House and Senate Intelligence Committees. It also makes clear that information of concern relating to the Department of Defense Special Access Programs, or SAPS as they are currently called, should be reported to the Armed Services Committee and the Defense Appropriations Subcommittee.

Overall, this clarifying amendment strengthens the bill by ensuring that current and former employees of the intelligence community, the FBI, the military and other national security elements that possess sensitive classified national security information receive adequate protections against reprisals under the law. Further, it will better ensure the protection of classified sensitive information at issue in many of these cases. So I urge my colleagues to support what I believe is a sensible amendment.

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

Mr. BRALEY of Iowa. Mr. Chairman, I am not opposed, but I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Without objection, the gentleman from Iowa is recognized for 5 minutes.

There was no objection.

Mr. BRALEY of Iowa. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY).

I commend Mr. TIERNEY for his work on this compromise. As a member of both the Permanent Select Committee on Intelligence and the Committee on Oversight and Government Reform, he has done a great job on expressing the concerns of both committees in a way that will allow us to move forward with this important legislation.

One particular change made by this amendment is the removal of language in the underlying bill that allows a national security whistleblower to always disclose information to a supervisor. This amendment acknowledges that there are certain circumstances where it may not be appropriate for a supervisor to receive a disclosure, such as when an employee is disclosing classified information to which the supervisor does not have access. This amendment also changes a provision in H.R. 985 regarding national security whistleblowers, to limit which Members of Congress can receive information from a national security whistleblower about an especially sensitive subject.

It is important that Federal workers who specialize in national security issues have the ability to disclose the information about government wrongdoing to Congress. These workers need to know that they have access to a safe harbor where information will be fully investigated and appropriately safeguarded. However, because of the sensitive nature of the information these whistleblowers may disclose, it is also important to ensure that appropriate Members of Congress receive these communications.

□ 1630

This amendment addresses concerns that have been raised about allowing national security whistleblowers to disclose sensitive classified information to Congress by ensuring that information will go to members of committees with expertise and procedures for handling such information.

I support this compromise amendment, and I urge all Members to vote ''yes.''

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

The Acting CHAIRMAN. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. PLATTS

Mr. PLATTS. Mr. Chairman, I ask unanimous consent that the request for a recorded vote on amendment No. 2 and the previous vote by voice on that amendment be vacated, to the end that the Chair put the question on adopting the amendment de novo.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PLATTS).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. STUPAK of Michigan.

Amendment No. 4 by Mr. SALI of Idaho.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. STUPAK

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. STUPAK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 250, noes 178, not voting 10, as follows:

[Roll No. 149]

AYES—250

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

NOES—178

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Tiberi
Turner
Upton
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Brown (SC)
Costa
Costello
Davis, Jo Ann
Granger
Jones (OH)
Meehan
Miller, George
Saxton
Tanner

□ 1658

Messrs. PEARCE, CAMPBELL of California and DEAL of Georgia changed their vote from ''aye'' to ''no.''

Mrs. LOWEY and Messrs. BARTLETT of Maryland, WALDEN of Oregon and ISRAEL changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. SALI

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Idaho (Mr. SALI) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 159, noes 271, not voting 8, as follows:

[Roll No. 150]

AYES—159

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Brady (TX)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hobson
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Young (AK)

NOES—271

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)

Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Regula
Reichert
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tancredo
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wicker
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—8

Brown (SC)
Davis, Jo Ann
Granger
Gutierrez
Meehan
Miller, George
Saxton
Tanner

□ 1708

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. There being no further amendments, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SCOTT of Georgia) having assumed the chair, Mr. ROSS, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 985) to amend title 5, United States Code, to clarify which disclosures of information are protected from prohibited personnel practices; to require a statement in nondisclosure policies, forms, and agreements to the effect that such policies, forms, and agreements are consistent with certain disclosure protections, and for other purposes, pursuant to House Resolution 239, he reported the bill, as amended by that resolution, back to the House with sundry further amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any further amendment reported from the Committee of the Whole?

Mr. PRICE of Georgia. Mr. Speaker, I demand a re-vote on the Stupak amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will redesignate the amendment on which a separate vote has been demanded.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. STUPAK:

Page 28, line 19, strike ''and''.

Page 28, line 21, strike ''technical.'.'' and insert ''technical; and''.

Page 28, after line 21, add the following:

''(3) any action that restricts or prevents an employee or any person performing federally funded research or analysis from publishing in peer-reviewed journals or other scientific publications or making oral presentations at professional society meetings or other meetings of their peers.''.

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

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

Mr. PRICE of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 252, nays 173, not voting 8, as follows:

[Roll No. 151]

YEAS—252

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

NAYS—173

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Tiberi
Turner
Upton
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland

Whitfield	Wilson (NM)	Wolf
Wicker	Wilson (SC)	Young (FL)

NOT VOTING—8

Brown (SC)	Meehan	Saxton
Davis, Jo Ann	Miller (FL)	Tanner
Granger	Miller, George	

□ 1727

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

□ 1730

MOTION TO RECOMMIT OFFERED BY MR. WESTMORELAND

Mr. WESTMORELAND. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. WESTMORELAND. I am in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Westmoreland moves to recommit the bill H.R. 985 to the Committee on Oversight and Government Reform with instructions that the Committee report the same back to the House forthwith with the following amendments:

Page 28, line 13, before ''Section'' insert ''(a) IN GENERAL.—____''.

Page 28, line 19, strike ''and''.

Page 28, line 21, strike ''.'.'' and insert ''; and''.

Page 28, after line 21, insert the following:

''(4) any action that discriminates for or against any employee or applicant for employment on the basis of religion, as defined by section 13(b) of the Whistleblower Protection Enhancement Act of 2007.''.

Page 28, after line 21 (following the matter inserted by the previous amendment), add the following:

(b) DEFINITION.—As used in section 2302(f)(3) of title 5, United States Code (as amended by subsection (a)), the term ''on the basis of religion'' means—

(1) prohibiting personal religious expression by Federal employees to the greatest extent possible, consistent with requirements of law and interests in workplace efficiency;

(2) requiring religious participation or nonparticipation as a condition of employment, or permitting religious harassment;

(3) failing to accommodate employees' exercise of their religion;

(4) failing to treat all employees with the same respect and consideration, regardless of their religion (or lack thereof);

(5) restricting personal religious expression by employees in the Federal workplace except where the employee's interest in the expression is outweighed by the government's interest in the efficient provision of public services or where the expression intrudes upon the legitimate rights of other employees or creates the appearance, to a reasonable observer, of an official endorsement of religion;

(6) regulating employees' personal religious expression on the basis of its content or viewpoint, or suppressing employees' private religious speech in the workplace while leaving unregulated other private employee speech that has a comparable effect on the efficiency of the workplace, including ideological speech on politics and other topics;

(7) failing to exercise their authority in an evenhanded and restrained manner, and with regard for the fact that Americans are used to expressions of disagreement on controversial subjects, including religious ones;

(8) failing to permit an employee to engage in private religious expression in personal work areas not regularly open to the public to the same extent that they may engage in nonreligious private expression, subject to reasonable content- and viewpoint-neutral standards and restrictions;

(9) failing to permit an employee to engage in religious expression with fellow employees, to the same extent that they may engage in comparable nonreligious private expression, subject to reasonable and content-neutral standards and restrictions;

(10) failing to permit an employee to engage in religious expression directed at fellow employees, and may even attempt to persuade fellow employees of the correctness of their religious views, to the same extent as those employees may engage in comparable speech not involving religion;

(11) inhibiting an employee from urging a colleague to participate or not to participate in religious activities to the same extent that, consistent with concerns of workplace efficiency, they may urge their colleagues to engage in or refrain from other personal endeavors, except that the employee must refrain from such expression when a fellow employee asks that it stop or otherwise demonstrates that it is unwelcome;

(12) failing to prohibit expression that is part of a larger pattern of verbal attacks on fellow employees (or a specific employee) not sharing the faith of the speaker;

(13) preventing an employee from—

(A) wearing personal religious jewelry absent special circumstances (such as safety concerns) that might require a ban on all similar nonreligious jewelry; or

(B) displaying religious art and literature in their personal work areas to the same extent that they may display other art and literature, so long as the viewing public would reasonably understand the religious expression to be that of the employee acting in her personal capacity, and not that of the government itself;

(14) prohibiting an employee from using their private time to discuss religion with willing coworkers in public spaces to the same extent as they may discuss other subjects, so long as the public would reasonably understand the religious expression to be that of the employees acting in their personal capacities;

(15) discriminating against an employee on the basis of their religion, religious beliefs, or views concerning their religion by promoting, refusing to promote, hiring, refusing to hire, or otherwise favoring or disfavoring, an employee or potential employee because of his or her religion, religious beliefs, or views concerning religion, or by explicitly or implicitly, insisting that the employee participate in religious activities as a condition of continued employment, promotion, salary increases, preferred job assignments, or any other incidents of employment or insisting that an employee refrain from participating in religious activities outside the workplace except pursuant to otherwise legal, neutral restrictions that apply to employees' off-duty conduct and expression in general (such as restrictions on political activities prohibited by the Hatch Act);

(16) prohibiting a supervisor's religious expression where it is not coercive and is understood to be his or her personal view, in the same way and to the same extent as other constitutionally valued speech;

(17) permitting a hostile environment, or religious harassment, in the form of religiously discriminatory intimidation, or pervasive or severe religious ridicule or insult, whether by supervisors or fellow workers, as determined by its frequency or repetitiveness, and severity;

(18) failing to accommodate an employee's exercise of their religion unless such accommodation would impose an undue hardship on the conduct of the agency's operations, based on real rather than speculative or hypothetical cost and without disfavoring other, nonreligious accommodations; and

(19) in those cases where an agency's work rule imposes a substantial burden on a particular employee's exercise of religion, failing to grant the employee an exemption from that rule, absent a compelling interest in denying the exemption and where there is no less restrictive means of furthering that interest.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to create any new right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any person.

Mr. WESTMORELAND (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia is recognized for 5 minutes in support of his motion.

Mr. WESTMORELAND. Mr. Speaker, I offer this motion to recommit with instructions.

One of the most confusing areas of public life for most Americans involves to what extent a person may express their personal religious views. Everyone believes they have complete religious freedom and yet the media often reports instances where courts or administrators say people may not express their religious faith. The unfortunate result of this confusion is that people tend to self-censor their behavior.

In 1997, the Clinton administration sent out guidelines to all Federal agencies that specifically detailed an employee's right to religious expression in the workplace. As then-President Clinton said in his remarks on the executive memorandum, ''Religious freedom is at the heart of what it means to be an American and at the heart of our journey to become truly one America.''

America continues to see ever-growing and diverse forms of religious expression, and unfortunately we have also seen an increase in the attempts to undermine religious freedom and expression.

So, as we consider this bill, we should be clear that the Federal employees do not have to check their faith at the door of their workplace and are protected under this bill if they do report violations of the current Clinton-era guidelines. In fact, it is often their faith that makes them the compassionate social worker in the employment office, the loving teacher in the Head Start program and the caring medical professionals treating our wounded soldiers.

There is nothing more personal than a person's faith, and our Federal employees deserve to know that they cannot be forced to check their quality of life at the door. As such, this motion provides that it is an abuse of authority for Federal agencies to prevent a Federal employee from blowing the whistle on instances of retaliation against permissible religious exercise and expression in the workplace.

The definition of permissible religious exercise and expression is drawn from President Clinton's 1997 memorandum to Federal agencies regarding religious expression in the Federal workplace. It includes, for example, the ability of Federal employees to have a Bible on their desk, wear a religious emblem on their clothing, or to express their views to other employees. It also includes provisions protecting against discrimination, harassment and coercion.

I believe this is an important addition to this bill, Mr. Speaker, and I urge my colleagues to support the addition of this language.

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

Mr. TIERNEY. Mr. Speaker, I am not opposing the motion, but I ask unanimous consent to claim the time in opposition.

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

There was no objection.

Mr. TIERNEY. Mr. Speaker, we are prepared to accept this motion, and assume that means we will have unanimity on final passage.

This appears to track President Clinton's executive order, and it is, in fact, current law. To that extent, we have no difficulty in accepting it.

The motion to recommit seems to extend the coverage of the Whistleblower Protection Act to whistleblowers who report violations of President Clinton's guidelines of religious exercise and religious expression in the Federal workplace.

The guidelines apply to all civilian executive branch agencies, officials, and employees of the Federal workforce, they specify which religious expressions by covered employees, and under what circumstances, are permitted or may be regulated or prohibited.

The guidelines were issued by President Clinton to clarify how to address the sometimes difficult situations in the workplace where an agency must balance the free expression rights of Federal workers with the rights of other workers and the obligation of Federal authorities not to engage in the official promotion of religion.

By providing greater clarity, the guidelines have helped to avoid conflicts in the Federal workplace over the balance between religious expression and the obligations of the Federal Government to the Constitution, other employees and the general public.

With that, as I said, it seems to track that executive order; and if it does, we are happy to accept it.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

RECORDED VOTE

Mr. WESTMORELAND. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 426, noes 0, not voting 7, as follows:

[Roll No. 152]

AYES—426

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
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
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
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
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
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—7

Brown (SC)
Davis, Jo Ann
Granger
Meehan
Miller, George
Saxton
Tanner

□ 1758

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

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. BRALEY of Iowa. Mr. Speaker, pursuant to the instructions of the House on the motion to recommit, I report the bill, H.R. 985, back to the House with an amendment.

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

The Clerk read as follows:

Amendment:

Page 28, line 13, before ''Section'' insert ''(a) IN GENERAL.—____''.

Page 28, line 19, strike ''and''.

Page 28, line 21, strike ''.'.'' and insert ''; and''.

Page 28, after line 21, insert the following:

''(4) any action that discriminates for or against any employee or applicant for employment on the basis of religion, as defined by section 13(b) of the Whistleblower Protection Enhancement Act of 2007.''.

Page 28, after line 21 (following the matter inserted by the previous amendment), add the following:

(b) DEFINITION.—As used in section 2302(f)(3) of title 5, United States Code (as amended by subsection (a)), the term ''on the basis of religion'' means—

(1) prohibiting personal religious expression by Federal employees to the greatest extent possible, consistent with requirements of law and interests in workplace efficiency;

(2) requiring religious participation or nonparticipation as a condition of employment, or permitting religious harassment;

(3) failing to accommodate employees' exercise of their religion;

(4) failing to treat all employees with the same respect and consideration, regardless of their religion (or lack thereof);

(5) restricting personal religious expression by employees in the Federal workplace except where the employee's interest in the expression is outweighed by the government's interest in the efficient provision of public services or where the expression intrudes upon the legitimate rights of other employees or creates the appearance, to a reasonable observer, of an official endorsement of religion;

(6) regulating employees' personal religious expression on the basis of its content or viewpoint, or suppressing employees' private religious speech in the workplace while leaving unregulated other private employee speech that has a comparable effect on the efficiency of the workplace, including ideological speech on politics and other topics;

(7) failing to exercise their authority in an evenhanded and restrained manner, and with regard for the fact that Americans are used to expressions of disagreement on controversial subjects, including religious ones;

(8) failing to permit an employee to engage in private religious expression in personal work areas not regularly open to the public to the same extent that they may engage in nonreligious private expression, subject to reasonable content- and viewpoint-neutral standards and restrictions;

(9) failing to permit an employee to engage in religious expression with fellow employees, to the same extent that they may engage in comparable nonreligious private expression, subject to reasonable and content-neutral standards and restrictions;

(10) failing to permit an employee to engage in religious expression directed at fellow employees, and may even attempt to persuade fellow employees of the correctness of their religious views, to the same extent as those employees may engage in comparable speech not involving religion;

(11) inhibiting an employee from urging a colleague to participate or not to participate in religious activities to the same extent that, consistent with concerns of workplace efficiency, they may urge their colleagues to engage in or refrain from other personal endeavors, except that the employee must refrain from such expression when a fellow employee asks that it stop or otherwise demonstrates that it is unwelcome;

(12) failing to prohibit expression that is part of a larger pattern of verbal attacks on fellow employees (or a specific employee) not sharing the faith of the speaker;

(13) preventing an employee from—

(A) wearing personal religious jewelry absent special circumstances (such as safety concerns) that might require a ban on all similar nonreligious jewelry; or

(B) displaying religious art and literature in their personal work areas to the same extent that they may display other art and literature, so long as the viewing public would reasonably understand the religious expression to be that of the employee acting in her personal capacity, and not that of the government itself;

(14) prohibiting an employee from using their private time to discuss religion with willing coworkers in public spaces to the same extent as they may discuss other subjects, so long as the public would reasonably understand the religious expression to be that of the employees acting in their personal capacities;

(15) discriminating against an employee on the basis of their religion, religious beliefs, or views concerning their religion by promoting, refusing to promote, hiring, refusing to hire, or otherwise favoring or disfavoring, an employee or potential employee because of his or her religion, religious beliefs, or views concerning religion, or by explicitly or implicitly, insisting that the employee participate in religious activities as a condition of continued employment, promotion, salary increases, preferred job assignments, or any other incidents of employment or insisting that an employee refrain from participating in religious activities outside the workplace except pursuant to otherwise legal, neutral restrictions that apply to employees' off-duty conduct and expression in general (such as restrictions on political activities prohibited by the Hatch Act);

(16) prohibiting a supervisor's religious expression where it is not coercive and is understood to be his or her personal view, in the same way and to the same extent as other constitutionally valued speech;

(17) permitting a hostile environment, or religious harassment, in the form of religiously discriminatory intimidation, or pervasive or severe religious ridicule or insult, whether by supervisors or fellow workers, as determined by its frequency or repetitiveness, and severity;

(18) failing to accommodate an employee's exercise of their religion unless such accommodation would impose an undue hardship on the conduct of the agency's operations, based on real rather than speculative or hypothetical cost and without disfavoring other, nonreligious accommodations; and

(19) in those cases where an agency's work rule imposes a substantial burden on a particular employee's exercise of religion, failing to grant the employee an exemption from that rule, absent a compelling interest in denying the exemption and where there is no less restrictive means of furthering that interest.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to create any new right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any person.

Mr. BRALEY of Iowa (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

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

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. BRALEY of Iowa. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 331, nays 94, not voting 8, as follows:

[Roll No. 153]

YEAS—331

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon

Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Rodriguez
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NAYS—94

Aderholt
Akin
Bachmann
Baker
Barrett (SC)
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Brady (TX)
Burgess
Buyer
Campbell (CA)
Cannon
Cantor
Carter
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dreier
Duncan
Everett
Fallin
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Hastert
Hastings (WA)
Hensarling
Hoekstra
Hunter
Inglis (SC)
Johnson, Sam
Jordan
King (IA)
Kingston
Kline (MN)
Knollenberg
Lamborn
Latham
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Pearce
Pence
Pitts
Price (GA)
Putnam
Radanovich
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Tancredo
Thornberry
Walberg
Wamp
Weldon (FL)
Westmoreland
Wilson (NM)
Young (FL)

NOT VOTING—8

Brown (SC)
Davis, Jo Ann
Granger
McCotter
Meehan
Miller, George
Saxton
Tanner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1808

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BRALEY of Iowa. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 985, the Whistleblower Protection Enhancement Act of 2007.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1362, ACCOUNTABILITY IN CONTRACTING ACT

Ms. CASTOR, from the Committee on Rules, submitted a privileged report (Rept. No. 110–49) on the resolution (H. Res. 242) providing for consideration of the bill (H.R. 1362) to reform acquisition practices of the Federal Government, which was referred to the House Calendar and ordered to be printed.

ELECTION OF MEMBERS TO JOINT COMMITTEE ON PRINTING AND JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Ms. MILLENDER-McDONALD. Mr. Speaker, I offer a resolution (H. Res. 244) and I ask unanimous consent for its immediate consideration in the House.

The Clerk read the resolution, as follows:

H. RES. 244

Resolved,

SECTION 1. ELECTION OF MEMBERS TO JOINT COMMITTEE ON PRINTING AND JOINT COMMITTEE OF CONGRESS ON THE LIBRARY.

(a) JOINT COMMITTEE ON PRINTING.—The following Members are hereby elected to the Joint Committee on Printing, to serve with the chair of the Committee on House Administration:

(1) Mr. Brady of Pennsylvania.
(2) Mr. Capuano.
(3) Mr. Ehlers.
(4) Mr. McCarthy of California.

(b) JOINT COMMITTEE OF CONGRESS ON THE LIBRARY.—The following Members are hereby elected to the Joint Committee of Congress on the Library, to serve with the chair of the Committee on House Administration:

(1) Ms. Zoe Lofgren of California.
(2) Mr. Ehlers.
(3) Mr. Daniel E. Lungren of California.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DIRECTOR MUELLER SHOULD STEP DOWN

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

Mr. GOHMERT. Mr. Speaker, regarding the recently revealed abuses of power and process by the FBI, Director Mueller has now indicated that he should have provided adequate training, experience and oversight. He is right.

But it also ignores what may have been one of the underlying contributors to the ultimate problem now revealed. Director Mueller has for some time now changed personnel policies at the FBI that he knew would drive out some of his best agents with the most and best experience to handle such very sensitive PATRIOT Act powers. When a director decides that his policies are far wiser than others, even as he sees that he is driving many of his best, most experienced agents and employees out of their supervisory roles, he has an even greater burden to see that his agents are trained.

Some tried to advise him of the damage to the ranks of experience that he was causing by what he thought to be innovative personnel management. He did not listen, and he did not ensure that the turnover he was creating left adequately trained personnel.

It is a wonderful thing when a leader goes against all the critics to do what he knows to be right, and he is, in fact, right. However, when a leader goes against critics who tried to tell him he was wrong, and he is later proved to be quite wrong, he should do the noble thing and step down without further ado.

Director Mueller has stated himself he must take the responsibility, and he is right. He must and he should. He should step down.

OUR NATION MUST SHOW RESOLVE AGAINST THE IRANIAN NUCLEAR THREAT

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

Mr. CANTOR. Mr. Speaker, recently some Members of the House have proposed using the supplemental appropriations bill to restrict the President's ability to defend our country and its allies from a hostile Iran. Attempts to curtail the bargaining ability and leverage of the United States comes at the precise moment when our Nation must show strength.

However, attempts to dampen our resolve and security send the anti-U.S. forces in Tehran a signal that America is weak. If Iran continues to see that America stands determined to prevent it from going nuclear, it will be encouraged to become a responsible member of the international community.

If we falter, the Iranian nuclear threat may well become a reality. Mr. Speaker, we must not let that happen.

□ 1815

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PERLMUTTER). 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.

SCOOTER LIBBY CONVICTION

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

Ms. WOOLSEY. Mr. Speaker, last week brought news of the conviction on four counts of perjury, obstruction of justice and lying to Federal investigators of the Vice President's former Chief of Staff, Scooter Libby.

It is easy to forget exactly what this case was about and its precise bearing on the ongoing bloody chaos in Iraq, so I think it is important to refresh our memories.

What did Mr. Libby lie about? He lied about his alleged role in blowing the cover of a CIA agent named Valerie Plame Wilson. And why would Scooter Libby or anyone else in the White House even consider doing such a thing? Political retribution, of course. Valerie Wilson's husband, Ambassador Joseph Wilson, had been a public critic of the Bush administration's march to war. He had traveled to Africa at the behest of the CIA and concluded that there was nothing to the President's claim, made in the State of the Union no less, that uranium from Niger was helping Saddam Hussein build a nuclear weapon.

Ambassador Wilson dared to question the White House on a critical matter of policy, indeed a matter of war and peace. He dared to suggest that they had taken the Nation to war under false pretenses. So they destroyed his wife's career, and in so doing may have imperiled our national security.

Remember, this is the administration that guards information so closely that it considers its secrets sacrosanct, that has lectured others for leaking classified information, but they had no qualms about divulging sensitive information about someone else, someone who uses her undercover status to help protect the Nation. Why did they out her? Because she is married to someone who leveled a legitimate and accurate criticism at the White House.

It just goes to show, Mr. Speaker, they were willing to stop at absolutely nothing to discredit anyone who undermined their case for war, a case that was based on exaggeration at best, and outright lies at worst.

After the Libby verdict was rendered, a former national chairman of the Republican Party tried to pooh-pooh the matter by telling the USA Today, and I quote him, ''When you get down to it, it was one case involving one guy.''

Similarly, the Washington Post concluded its editorial by saying that the Wilson-Plame case and Mr. Libby's conviction tells us nothing about the war in Iraq. I couldn't possibly disagree more. Mr. Libby wasn't lying about whether he revealed Valerie Wilson's favorite color. Mr. Libby's conduct was part of a campaign of deceit intended to shut down any and all objections to the war. And why did they need a campaign of deceit? Because there was no legitimate reasonable cause for war without the specter of weapons of mass destruction, without the disgraceful scare tactic of warning that we don't want, and they said this, the smoking gun to be a mushroom cloud.

It is the responsibility of Congress now to delve even deeper into the manipulation of pre-war intelligence. I am eager to hear Mrs. WILSON's testimony before the House Committee on Oversight and Government Reform on Friday, and I hope this is just one of many such inquiries.

Even as we are currently immersed in a debate right here in the House about how to end our occupation of Iraq, it is critical that we hold people to account for the mistakes and the misdeeds that launched this disastrous war and cost 3,200 Americans their lives.

Justice was done in the case of Mr. Libby, but I hope when it comes to Iraq we can bring about justice in a broader sense, by restoring Iraq's sovereignty and letting its people determine their own future, by becoming a reconstruction partner and not a military occupier in Iraq, by promoting stability in the region instead of being a catalyst for violence, a catalyst for terror, by completing a fully funded withdrawal from Iraq and bringing our troops home at last.

RENAMING THE DEPARTMENT OF THE NAVY

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, in 1947, when the National Security Act became law, Congress declared that the Department of Defense consists of four distinct military services, the Army, the Air Force, the Navy and the Marine Corps. But the act spells out the mission of today's Marine Corps and clearly indicates that the Corps is a legal distinct military service within the Department of Navy; that is, the Marine Corps and the Navy are coequal partners. The Marines do not serve beneath the Navy, they are a team. There is not a subordinate relationship between the Chief of Naval Operations and the Commandant of the Marine Corps. They are equal partners of the Joint Chiefs of Staff, and it is time the Department of Navy recognizes the equal status.

Mr. Speaker, that is why I have again introduced legislation, H.R. 346, to change the name of the Department of the Navy to the Department of Navy and Marine Corps. I am encouraged that this change has been included in the House defense authorization bill for the past several years, but it has not been accepted by the Senate.

I ask my colleagues to join me in supporting the passage of this legislation, and I hope this year the House position will prevail in the Senate. This legislation is not about changing the responsibilities of the Secretary or reallocating resources, there is no cost to this change. Instead, it is about showing the Nation the true meaning of the department and recognizing the Marine Corps' extreme importance to our national security.

When the President's top military adviser, General Peter Pace, is wearing the uniform of the Marine Corps, it is time to realize that change is long overdue. The Marines that are fighting today deserve this recognition. Sadly, in the past 4 years over 900 Marines have been killed while serving in Iraq and Afghanistan. When the Department of the Navy writes the families of Marines who have been killed, their families deserve to receive that letter from the Department of the Navy and the Marine Corps.

Mr. Speaker, I have on the floor this afternoon an enhancement of the orders for the Silver Star for Sergeant Michael Bitz of the United States Marine Corps who was killed in the Iraq war for freedom. He was cited with a Silver Star received by his family after his death. I brought this to the floor to emphatically show the difference of what it is today and what it should be tomorrow.

The first poster is an enlargement of the actual orders from the Secretary of Navy. And you can see the Secretary of the Navy, Washington, D.C., with the zip code and the Navy flag. Again, this was a Marine who died for this country.

If you look at the second poster that is beside me, you will see what it can be if this bill becomes law and is accepted by the Senate and sent to the President for signing. The order should be a flag, the Navy flag, the Secretary of the Navy and Marine Corps with the Marine flag.

Mr. Speaker, as I close, this is all about fairness and equality because there are four distinct services, the Army, the Navy, the Marine Corps and the Air Force. I think it is only right and befitting that two great services that have such a tradition and a heritage be treated as partners, and that is what this legislation does, the Department of Navy and Marine Corps.

I hope my colleagues on both sides of the aisle will join us in this effort, and let's recognize two great services, the Navy and the Marine Corps, as partners and a team.

With that, I ask God to please bless our men and women in uniform and their families. And I ask God to please hold in His loving arms the families who have lost a loved one dying for this country. And I ask God to continue to bless America.

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.)

IRAQ

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

Ms. SOLIS. Mr. Speaker, good evening.

Mr. Speaker, 2 weeks ago I had the privilege to visit our service men and women serving in Iraq, and I saw for myself what is really happening on the ground.

I met with several service men and women from cities that I represent, the city of Azusa, East Los Angeles and West Covina in California. I spoke with troop commanders, Iraqi women representing NGOs, and two parliamentarian women.

My trip to Iraq confirmed my belief that we must supply better support for our troops, including redeployment out of Iraq. But supporting our troops means securing our troops and making sure we minimize the risks they really face. Our troops, as you know, are overextended. The length of time they are spending in Iraq is not only demanding, but exhausting. For many of them, it is not their first tour either, this is their second, third and maybe even fourth.

While our troops remain committed to their work, they are concerned about the impact their duty is having on them and their families. The time they spend with their families is shorter with each tour of duty.

Our troops are concerned about the lack of adequate equipment. Some troops lack the basic equipment needed to do their job, like body armor. In fact, one soldier told me they don't have light bulbs. I said light bulbs for what? They said well, Congresswoman, for our vehicles. When we are asked to go into the communities, if we don't have light bulbs on our vehicles we can't see. Another one mentioned they didn't have scissors, and I said, Why do you need scissors? And he said because if one of my men gets hit, I need to have scissors to be able to bandage and provide whatever help that person needs.

In some cases they told me that the equipment they use is unreliable due to overexcessive use. And I was appalled to learn that some service members are forced to share their equipment with recent arrivals. The new members of the service that we are sending in in this surge or escalation are actually taking equipment away from those who are being currently deployed there. Without the proper equipment, our troops face significant and unnecessary risk to their lives.

Supporting our troops also means redeployment and an Iraqi nation that will govern itself and its people. Unfortunately, the best plan President Bush offers is another blank check request for his already failed policies.

In California, the 32nd Congressional District that I represent, as you can see, 13 of our sons have already given their lives, the ultimate sacrifice. U.S. casualties, as you know, are close to 3,200, and more than 24,000 service men and women have been injured or permanently disabled, and more than half of those will not be able to lead normal lives.

This blank check that President Bush provides must end. By deploying additional service men and women into combat, the President shows just how out of touch he is with the real needs of our troops and the reality of the situation. The increase of troops will do nothing to improve the long-term security situation.

The President's escalation plan ignores the very needs of these veterans. The crisis, as you know, at Walter Reed highlights the fact that this administration has not prioritized the health care needs of our returning veterans. And as Members of Congress, it is our responsibility to protect our troops and veterans when our Commander in Chief will not. We need a plan that will ensure that there will not be permanent bases in Iraq. And we need to ensure that all troops are provided with adequate equipment and training needed to do their job safely.

Our plan must require the Iraqis to take control of Iraq and bring other Arab states together to help solve this problem. Our plan must refocus also on Afghanistan. And our plan must ensure that our service men and women and veterans receive the best care available when they return home.

□ 1830

This includes traumatic brain injury, post-traumatic stress disorder, culturally competent health care, housing, and education.

The troops and their families have kept their promise to us. We must now keep our promise to them, and I am proud that we have made such a plan available. The U.S. Troop Readiness, Veterans' Health & Iraq Accountability Act, in my opinion, is key to this success. It supports our troops. It holds the administration accountable. It establishes a plan for redeployment, and provides for our veterans.

My trip to Iraq strengthened my belief that the right course of action is to redeploy our troops out of Iraq. Our men and women in uniform are doing their job, and we in Congress must do ours so that our troops will come home and receive the care that they deserve. We must not continue to turn our backs on those who proudly have served our Nation, and I will continue to fight and support our troops.

I look forward to their redeployment and their safe return to their families, to their friends, and to their loved ones, and I look forward to a resolution, and an Iraq governed by Iraqis, and a world safer and more secure for all of us. And I know our leadership will help to take us there.

PRISON INMATES HELP IN WAR EFFORT

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

Mr. POE. Mr. Speaker, behind the thick walls of some Federal prisons, inmates are being put to work. Not on chain gangs tarring roads and hacking rocks, but in prison factories.

Private industries are bringing their businesses behind the barbed wire fortresses, realizing the benefits of incarcerated inmates going to work. Prison industries are operated to achieve two goals: First, they occupy the prisoners' time to keep them busy and out of trouble. The second goal is to provide those incarcerated inmates a trade and valuable work experience, a trade and experience that can be applied to the American workforce once they leave the penitentiary. Prison industries give an inmate a sense of accomplishment and achievement, and the ability to have a chance to work and live as a law-abiding citizen beyond the prison walls.

In the Federal prison system, UNICOR, the Federal Prison Industries, Incorporated, contracts out to the Federal Bureau of Prisons and hires inmates to work behind those tall prison walls. The inmates earn 35 cents to $1.15 an hour. Now, Mr. Speaker, this money is paid by private industries, not taxpayers.

And, here is the best part: The money that the inmates earn goes to, first, pay their fine; second, partial restitution to the victim through the Victims of Crime Act; and, third, the rest goes into a savings account that the inmate will get once they leave the penitentiary. This way, the prisoner literally earns his keep in the big house. He helps pay for the system he has created, relieving the taxpayers of this burden.

I have had the opportunity to tour one of these prison units in Beaumont, Texas, at the Beaumont Federal Correctional Complex in my congressional district. In the Beaumont Federal prison system, prison inmates craft state-of-the-art military helmets for our troops fighting in Iraq. I have one of those helmets right here with me, Mr. Speaker.

This is officially called by the Federal Government the ''personal armor for ground troops helmet.'' I just call it a helmet. It is used by our troops in Iraq and Afghanistan. It is made of Kevlar, and it provides our warriors protection from shrapnel and bullets. These helmets have been credited with saving several of our troops' lives in Afghanistan and Iraq.

Mr. Speaker, each month the inmates at the Beaumont Prison produce 30,000 of these helmets; 360,000 of them a year are being provided for our military. The Beaumont Prison factory also has the distinction of being the only UNICOR factory that produces these

helmets. Currently, the prison is designing a more protective helmet that will soon be used in Afghanistan and Iraq.

The 320 inmates in the Beaumont factory making these helmets are patriots, and they think they are because they are patriots; they are doing their part in the war efforts. This is a medium security facility, and it is not the only war contributor in the Beaumont prison system.

The minimum security system in Beaumont repairs damaged tanks. They receive a facelift from the inmates and their engines are overhauled. The mechanics that work in these prisons are experts in diesel mechanics, and they take a once unusable piece of machinery that has been damaged and they turn it into a war-worthy military tank once more.

Mr. Speaker, as a former judge, I believe in using inmate labor; make them help pay for the system they have created. The taxpayer has paid for the system long enough. Some of these inmates in the Beaumont prison I met earlier on a professional basis at the courthouse, and now I am glad to see that they are turning their lives around. For behind the steel doors and tall walls of the prison, these men go to work each day producing helmets that safeguard American troops from enemy fire. They are not forced to work in the factories, but they choose to. They choose to volunteer.

The inmates I talked to are proud of our troops overseas and feel a sense of connection to them by making these helmets. Prison labor programs are a good idea for inmates and for America, and certainly for the American taxpayer. Some inmates are locked up behind bars because they harmed another person's life. Now they have the chance to redeem their past deeds; they now work to save the lives of our American soldiers. After all, Mr. Speaker, we are all in this together.

And that's just the way it is.

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

COMMENDING THE LILLY ENDOWMENT

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

Ms. CARSON. Mr. Speaker, I rise to commend the Lilly Endowment for its exceptional commitment to Indianapolis and to the State of Indiana.

Recently, the Lilly Endowment announced the winners of its 2007 Teacher Creativity Fellowships. The result of this endowment's effort is a program that will enable 129 teachers, principals, guidance counselors, and school librarians from all over Indiana to take the time to gain insight into new cultures, to explore subjects that intrigue them, and to just get away and bring back refreshed perspectives to share with their students.

The endowment has been successfully funding such programs for 20 years now. The class of 2007 includes nine recipients from public and private schools across the State who were selected as ''distinguished fellows'' of the program and received up to $25,000. The remaining 120 recipients each received an $8,000 grant for their activities.

The distinguished fellows feature of the program was introduced last year by the Lilly Endowment. A limited number of grants were available for creative renewal projects that would provide additional financial support and the possibility of time away from the classroom. As a result of this innovative feature, each selected teacher received up to $25,000. A separate grant of up to $25,000 was available to the teacher's school district to cover the costs of a replacement teacher, if necessary.

The winning creative renewal projects will send Indiana educators to study Indian culture by visiting Punjab, India; practice service learning by volunteering in Calcutta, Belfast, reservations in South Dakota, Haiti, and Mississippi; and interviewing street children in Latin America. But whether they travel to the Arctic or Mongolia, they will return to their Indiana schools carrying new cultural insights, full of new adventures and wisdom to share with their students.

Sara B. Cobb, the Lilly Endowment Vice President for Education, summarized the effort when she said, ''Once again, we are thrilled at the response to this popular program. Good teaching requires a high degree of energy and motivation. We regularly hear that these renewal experiences have helped hard-working Indiana educators regain their enthusiasm for their profession.''

So, Mr. Speaker and Members of the House, I want to commend the Lilly Endowment for doing such a great thing for Indiana and the education system. Good teaching does require a high degree of energy, motivation, and inspiration. I would add, ''Good corporate neighboring requires a commitment to a corporate vision for a better community and the will to invest its resources to achieve that vision.''

I want to extend my heartfelt thanks to the Lilly Endowment and its CEO, and indeed a good neighbor to Indiana. Thank you very much.

TEACHER CREATIVITY FELLOWSHIP PROGRAM
2007—$25,000 FELLOWSHIP RECIPIENTS

INDIANAPOLIS PUBLIC SCHOOLS

Arsenal Technical High School, Karen Beck, ''Service Learning: The Example of Mother Teresa''—travel to Calcutta, Belfast, the Rosebud and Pine Ridge reservations (South Dakota), Haiti and Mississippi to do volunteer service; conduct interviews in Maryland and Washington in preparation for creating service learning program at Tech; volunteer with local agencies.

Juvenile Learning Center School No. 459, Robert Masbaum, ''Street Children of Latin America and Human Rights''—visit Mexico, Colombia, Nicaragua, Honduras and Panama to study and interview street children; prepare a documentary, curriculum guide and exhibit about children's rights.

TEACHER CREATIVITY FELLOWSHIP PROGRAM
2007—$8,000 FELLOWSHIP RECIPIENTS

Archdiocese of Indianapolis (private), St. Joan of Arc School, Susanna L. Abell, ''Mentoring Abroad in Central America''—work with promising young artist in Honduras; offer an art camp for children in Honduras; create paintings.

St. Therese Little Flower School, Lori Grant Feliciano, ''Defining a Hoosier''—study the unique history and culture of Indiana.

Heritage Christian School (private), Sherryn L. Miley ''Never Forget: The Holocaust''—study the Holocaust at the U.S. Holocaust Museum, European concentration camps and the Yad Vashem Holocaust Memorial in Israel.

International School of Indianapolis, Bernadette C. Allamel, ''Ceramic Storytelling from Mali''—learn to make pottery in Mali, from collecting the clay through firing finished pieces; study cultural stories of Mali.

Arlington High School, Kerry J. Brown (see also MSD Lawrence Township) ''East Meets West''—four generations return to Vietnam to gain closure from secret boat escape in 1977.

Charity Dye No. 27, Sidney Allen, ''Pilgrimage to Monet's Garden''—study art and horticulture in Giverny, France; create a garden at school.

Howe Middle/High School, Mary F. Nolan, ''A Linguistic Immersion Amidst the French Culture''—spend time in rural France completing a book; experience the culture of France.

Jonathan Jennings No. 109, Patricia Reeves, ''Tolerance and Diversity as Seen Through the Irish Eyes''—research Ireland's ''Great Famine;'' introduce classroom activities about immigration, racism and cultural tolerance.

New Horizons Alternative School, Christopher L. Howey, ''A Journey on the Path of the Martial Way''—study aikido and jodo in Japan and Canada.

MSD Lawrence Township, Bernard K. McKenzie Career Center, Jane Davis Miller, ''The Ups and Downs in Life: Unmasking the Search for Ourselves''—study history of mask-making; create and use masks in therapeutic theater programs.

Lawrence Central High School, Lan Bui-Brown (see also Indianapolis Public Schools), ''East Meets West''—four generations return to Vietnam to gain closure from secret boat escape in 1977.

Mary Castle Elementary School, Jan Good, ''The Joy of Painting''—attend watercolor workshops; develop painting skills.

MSD Warren Township, Raymond Park Middle School, Rae Bosio, ''Flamenco in Spain''—travel to Spain to study culture and dance.

MSD Washington Township, Eastwood Middle School, Douglas O. Vinton, ''History Alive''—tour Germany, Italy, Greece, France and Austria to explore history and culture.

J. Everett Light Career Center, Robert Hendrix, ''Voices Amidst the Mountains: A Journey into the Folklore of Storytelling''—create a radio documentary on the art of storytelling in the Smoky, Blue Ridge and Appalachian mountain chains.

North Central High School, Stephen J. Quigley, ''The Emerald Ash Borer and the Art of Carving Ash Sticks for the Sport of

Gaelic Hurling''—study history and cultural significance of the Gaelic sport of hurling; learn to cut and carve hurley sticks using ash wood salvaged from central Indiana forests decimated by the emerald ash borer.

Martha Sando, ''2007: To Russia with Love, From Moscow to St. Petersburg''—view art collections in St. Petersburg and Moscow; hone plein air landscape painting technique; create classroom lessons on painting techniques, history and culture of Russia.

MSD Wayne Township, McClelland Elementary School, Eric Webb (principal), ''Bringing My Ancestors to Dinner''—investigate Clan McLeod, capture images, poetry, songs and stories of Scotland.

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 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 Ohio (Ms. KAPTUR) is recognized for 5 minutes.

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

30-SOMETHING WORKING GROUP

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

Mr. MEEK. Mr. Speaker, it is an honor to come before the House here, the 30-Something Working Group. I am glad that we are here tonight to have an opportunity to really talk about the accomplishments under the 110th Congress, and also issues that we are going to be working on in the very near future.

But as you know, Mr. Speaker, day after day I have been coming to the floor sharing with the Members and the American people on the fact that we have really worked hard to make sure that we run a house in a way that all the Members can feel comfortable about voting on the public policy that comes to this floor, especially major public policy.

The Whistleblower Protection Enhancement Act that passed this floor today is a piece of legislation that is going to assist not only the public knowing more about what happens here, but to make sure that we protect those that are trying to protect us.

As we start to head down the road of fiscal responsibility, as we start to have oversight hearings and Federal employees and others that are involved in Federal action, and just average Americans will be able to come forward and to share with this Congress and other agencies of accountability and oversight about waste, they will be able to come and share concerns or speculation of corruption, they will be able to come forth with recommendations without receiving the repercussions that they would have received prior to the passing of this legislation today.

One other thing that I think is important when we start looking at this legislation, the fact that there were 102 Members on the other side of the aisle that voted in the affirmative. The vote on this floor just moments ago was 331–94. And I think that will go right in line with other pieces of legislation that have passed this House floor in a bipartisan way on a major bill. I think we have a chart here that I think will be helpful for the Members to take a look at.

Implementing the 9/11 Commission recommendations, H.R. 1, passed 299–128, with 68 Republicans voting with the Democrats.

Raising the minimum wage passed 315–116, with 82 Republicans voting along with Democrats.

The funding for enhanced stem cell research, H.R. 3, 253 Members of the House voted in the affirmative, only 147 voted against. But as you know, Republican votes, 37 joined Democrats on that vote.

Making prescription drugs more affordable for seniors, H.R. 4, passed 255–170, with 24 Republicans voting with Democrats.

Cutting student loan interest rates in half, H.R. 5, 356–71, with 124 Republicans voting for it with all Democrats.

Creating long-term energy initiatives, I think it is an important initiative, H.R. 6, 264–163, with 36 Republicans voting with Democrats.

□ 1845

Now, Mr. Speaker, why is this important? Why are we talking about bipartisanship so much when we come to the floor in the 30-Something Working Group? We are talking about it because this has not been the culture here in the House. Major pieces of legislation, from H.R. 1 to H.R. 6, and even today when we passed off of this floor the Whistleblower Act, H.R. 985, to see bipartisan votes on these major pieces of legislation goes to show you that we have been waiting; and when I say ''we,'' Members of the House have been waiting for a very long time to have the opportunity to vote on commonsense legislation that is going to assist the American people in their everyday lives, will assist this Congress in bringing about the kind of accountability that the American people voted for and hoped that we would, hopefully, enact one day.

I think it is also important to look at three House bills to shed light on public records. I think it is very important that the American people understand that we are going to open the Federal Government up to allow them to be able to receive public records in a timely manner. Of course, we are going to protect national security issues. Of course, documents that are not ready for public consumption will not be given to the public or anyone that may endanger Americans abroad or here in the United States. But there are so many documents by the White House that have been deemed secret when it wasn't necessary for them to be deemed secret. This piece of legislation and the three bills would deal with that issue, to be able to have a little more openness to the process so that we can do our jobs here on Capitol Hill.

I think it is important to continue to stick with the watchwords that we have been talking about here, the 30–Something Working Group, on accountability, oversight, new direction, and fiscal responsibility. I think it is important that we pay attention to what is happening right now, Mr. Speaker, when it comes down to Hurricane Katrina, Abu Ghraib, 9/11 Commission recommendations, which I must add that 10 Republicans and the Senate joined Democrats in passing the 9/11 Commission recommendations. All of these reports, as we look at good government, are taken from bipartisan commissions.

We are talking about governance here. We are talking about accountability here. Some may say, well, 9/11 Commission recommendations, that is a Democratic work product. No. That is just a Democratic leadership bill, that we said that we would fully implement the 9/11 recommendations even though the President has threatened to veto them. Even though it was a bipartisan commission, Mr. Speaker, chaired by a Republican Governor, former Governor, still the President and Republicans are saying that there is not a need to implement those recommendations.

I think, as we start to reflect, before I start talking about the supplemental appropriations bill that is being marked up in the Appropriations Committee this week, since Democrats have taken the majority, Mr. Speaker, Walter Reed, the misconduct was exposed by a newspaper here in the Washington area, The Washington Post. Democrats took action, making sure that we had hearings going immediately, not after, not 2 or 3 weeks later, saying we are waiting on the administration to see what they are going to do.

In kind, the administration started working very vigorously to take some action, and I commend the President on appointing two very outstanding Americans, Ms. Shalala and also Mr. Dole, to lead a commission to look at that.

The firing of U.S. District Attorneys became exposed recently, within the last 48 hours. Information that we received here in Congress was inaccurate.

And now Democrats, in control of the House and Senate, are immediately going into hearings dealing with the Justice Department, asking the tough questions because no longer are we going to allow politics to run public policy in this country.

And I think it is important for the Members to understand that we are here as board members of the largest corporation on the face of the Earth, if one wants to call it that. I am just using that as an example. We are the board of directors here in the U.S. House of Representatives. One of the Members of our caucus during a caucus meeting made this analogy, with the President's being the chairman of the board or President/CEO.

When you start looking at the President/CEO of any corporation and you start looking at the mismanagement and you start looking at the political overtones, it is important that the board respond to whom? The stockholders, in this case, the American people, because it is their tax dollar that we are appropriating. It is their tax dollar that we have oversight on. And they have sent us, made us members of the board of directors to watch out for their interests. And that is using, once again, the word of accountability, the oversight.

We talk about a new direction. We also talk about fiscal responsibility. But those are not just catchwords. They mean something, and I think it is important that we pay very close attention to that.

I pointed out in this whole issue at Walter Reed last week, Mr. Speaker, and I felt very proud as a Member of Congress and someone that voted for the continuing resolution because the Republicans did not do their work in passing all of the appropriations bills. We had to clean it up when we came into the 110th Congress by passing a continuing resolution.

All district projects that Members fought for in the appropriations bill were taken out, and we had to then take those dollars and we put $3.6 billion into the veterans' health care system. And I am so glad we did that because when the Walter Reed story came out and the media started to focus on the lack of resources to take care of our veterans and take care of those that are still enlisted on the health care side, and this was actually the front cover here with the specialists of Newsweek, it gave the American people an opportunity to see leadership in action and also see a policy response to what has been unearthed by the media. And I think that is important because there has been a lot of foot-dragging around here and there has been a lack of the majority in the past of having the will and desire to do the right thing. And I am glad we did it in that case.

I am so glad to be joined by my very good friend, Mr. RYAN, from Niles, Ohio. They have a saying in Niles, Ohio, Mr. RYAN—well, in Ohio; I don't if it is necessarily in Niles. But it goes something like this: Remember that the field mouse is fast but the owl sees at night.

I yield to Mr. RYAN.

Mr. RYAN of Ohio. Mr. Speaker, I appreciate the gentleman's yielding and his comments about the field mouse and the owl. It is very important for us to remember that wisdom that he gives us.

And I appreciate your running over here, hustling over here. I actually wasn't going to come. I have got some meetings tonight that I have to get at, but I saw you over here out of breath, and I thought I would come over and sling-shot you in.

Mr. MEEK of Florida. Reclaiming my time, when I came over, it wasn't like can we pause for a minute and let me catch my breath. I mean, I was actually anchoring this special order and sharing with the Members the great work that has been done.

I talked about the bipartisan vote that we took today on the whistleblower legislation. And, Mr. RYAN, I did go to the gym today to make sure that I am in the right shape to be a Member of this House and serve as an example of making sure that you take care of yourself, that you do the right thing, and you live a long time.

So, Mr. RYAN, thank you for being concerned about my health care needs and making sure that you came down and allowed me to catch my breath. But I am so happy to see you, sir, because as a member of the Appropriations Committee, I am honored just to be in the same Chamber with you, sir.

Mr. RYAN of Ohio. I appreciate that. And it is an honor for me to be in the Appropriations Committee, and my friend on the Ways and Means Committee provides the ways and the means for us to get the job done.

One of the issues that we have talked about today a little bit is what the Democrats have been doing in Congress since we got here a couple of months ago. And I think it is very important, as we see all of the news stories about Walter Reed, as we see the news stories about the Attorneys General, we see the news stories about what is going on in Iraq, a year ago or 2 years ago, those stories wouldn't have even been possible because the threat of oversight hearings that Speaker PELOSI and the Chairs of our various committees have been executing is the exact balance of power that we were talking about prior to the elections last year. And the American people, very wisely, thought it was time for there to be some oversight.

But I must say, Mr. MEEK and Mr. Speaker, that all of the thoughts that we had about what was going on in a lot of these various agencies we thought were bad, but we didn't know they were this bad. And I don't think anybody would have said the level of pressure, for example, in the Attorneys General situation, the level of incompetence and neglect at Walter Reed is just absolutely shocking. And we knew about it with the war. We saw the lack of execution in the war. We saw it in Katrina. And now, because the Democrats are in power, we are now able to begin to fix these problems.

The whistleblower reform strengthens protections for Federal whistleblowers to prevent retaliation against those who report wrongdoing, waste, fraud, abuse. This is how we begin to reform government, by allowing those people who are in the institution of government to be able to speak freely and to be protected and not to be bullied or prevented from somehow improving the institution.

The Freedom of Information request, we had some provisions here. More timely disclosure of government documents, restoring the presumption of disclosure to FOIA, helping FOIA requesters obtain timely responses, improving transparency and agency compliance with FOIA, providing an alternative to litigation, and providing accountability for FOIA decisions, opening up government, transparency in the 21st century. It is an information-based society, an information-based economy; and the more we open it up and allow the information to flow, the more we are going to be able to improve things.

One of the great problems we had in China several years with the SARS issue is that nobody knew about it and you can't fix problems that you don't know about. And whether you are in a family or on a team or in a business or running a government, you need to make sure there is free and open access to information.

Now, granted, there are sensitive issues, national security issues that need to be protected and need to be kept in order to secure the long-term future of the country. No one debates that. But when we are talking about government documents and the execution of an administrative or executive branch department protecting whistleblowers who may have information in order to make the government improve, this isn't to punish anybody. This is to improve the government. And that means some difficult decisions need to be made.

And I think, under the leadership of this House, we are moving down that road, step by step, very methodically to improve the lives of people in this country and to reform the institution of government.

□ 1900

That is what we are all here to do. We have had several other things that we had.

But I want to talk for a minute, Mr. MEEK, if you don't mind, about oversight. I know you had mentioned oversight earlier in the evening, but what is going on and what has gone on already in this Chamber, as I mentioned, the Walter Reed thing came because of the threat of Democratic oversight and the committee oversight process that has already been going on.

For example, the war in Iraq, between the House and Senate, more than 97 oversight hearings have looked into the conduct of the Iraqi war. Ninety-seven. There is the big number hearings. And more are coming.

Tomorrow in the Appropriations Committee we are going to pass out the supplemental that is going to begin the exit of this war, begin the end of this war.

Mr. MEEK of Florida. Mr. RYAN, I am glad, because you are a member of the Appropriations Committee. Let me just say this, Mr. RYAN. Putting everything to the side here that we have been talking about, again, I am glad, because you are here as a member of the Appropriations Committee.

We actually have some Members, Mr. RYAN, that are concerned about the kind of leadership that this Congress is putting forth on behalf of the men and women in uniform and the men and women that wore the uniform and their families.

Mr. RYAN of Ohio. These are the same people, Mr. MEEK, these are the same people who were in charge several months ago, and for the previous 14 years, that led to the dismal display that we see at Walter Reed, the conduct of some of the people in the Veterans Administration. The same people that had oversight then are now upset and trying to point the finger.

Mr. MEEK of Florida. You know, Mr. RYAN, they say when you point your finger, you have like three or four fingers pointing back at you.

Mr. RYAN of Ohio. Shake and Bake. Right back at you.

Mr. MEEK of Florida. That is right. In full effect. You have here U.S. Troops Readiness, Veterans Healthcare, and Iraq Accountability Act. Expanding funding for veterans healthcare and hospitals. What is wrong with that? Nothing.

The Bush administration must meet military standards for troop readiness. Mr. RYAN, this is the DoD policy as it relates to troop readiness. The Congress had nothing to do with the policy. The Department of Defense came up with the policy.

So basically what we are saying, Mr. Speaker, through this act, follow your policy, because it is in the best interests of the American people and the troops that are in harm's way.

What is in that policy? Making sure troops have what they need when they are deployed. What else? Making sure we have a military that is ready to respond at a moment's notice when we need them. We will go deeper into that.

Mr. RYAN of Ohio. Armored Humvees. Up-armored Humvees. Kevlar vests. The proper amount of rest.

I want you, Mr. MEEK, to try to name me one person in this country that would dare send one of their own kids off to war without the proper equipment, that would not ride in a Humvee that was armored. And there are kids still getting killed in Iraq now because the Humvees are light armored and not heavy armored. They don't have the proper equipment and everything else. We are still losing kids because of that.

Mr. MEEK of Florida. Mr. RYAN, losing kids? We are losing 47-year-old Reservists. We are losing granddads in some instances that are still serving our country, Mr. Speaker, in the Guard, in the Reserve, active duty.

When you look at this, again, the Iraq government must meet the Bush benchmarks for reform.

Mr. Speaker, once again, this is not what the Democratic Congress put benchmarks on the Iraqi government for. The President of the United States of America, the Commander in Chief, marched down this aisle, walked that way and went up there to that rostrum right under where you are standing, Mr. Speaker, and said if they don't meet the standards and do X, Y and Z, then we are not going to be there forever. What is wrong with following the leadership, especially when you talk about accountability?

What is different this time, Mr. Speaker, is when the President has made those statements in the past, he had a rubber stamp Congress willing to do anything that he wanted them to do. But now you have a Congress that put forth legislation that will allow Members of the minority party, the Republican Party, Mr. RYAN, to vote with Democrats, for accountability, there is that word again; oversight, there is another word we use all the time; and to head in a new direction as it relates to Iraq. We have said that 100 times.

I think that is important, making sure that strategic redeployment of U.S. troops in combat by 2008, and reforming military efforts on Afghanistan and the fight on terrorism. What is wrong with all of that?

If I can, Mr. RYAN, I want to just talk about how the American people are way ahead of the Bush administration on this issue and the reason why we had this big transition in leadership here in the Congress back in September.

Nearly six out of 10 Americans want U.S. troops to withdraw from Iraq by 2008 or sooner. That is a CNN poll of 3–13–07.

Fifty-two percent think the United States should set a timetable for withdrawal of U.S. troops from Iraq. That is a CBS-New York Times poll on 3–12–07.

Sixty-seven percent of those polled by NBC-Wall Street Journal disapprove of the way the President is handling the situation in Iraq. That is an NBC-Wall Street Journal poll, 3–9-07.

I can go on and on and on, Mr. RYAN, of how the American people are with us as it relates to making sure that we do the right thing.

When we are in Congress and we are here, we are not generals, we are not in a forward area, Mr. Speaker. We have Members that have never worn a uniform, not even in school when they were coming up. We are not in the Armed Forces. Some of us are. Some of us are Reservists. Some of us are Guardsmen, Guardspeople, women, what have you.

But we have been elected to be Members of Congress to carry out the things that we talked about, oversight, accountability, being fiscally responsible, moving the country in a new direction, coming and voting on behalf of our constituents and the American people.

So, brave speeches on the floor about how Members support the troops. No, I support the troops more than you. No, I have a tattoo on my arm saying I support the troops. No, I have raised money back home.

That is fine. That is all good and dandy. Come to the floor and say what you want to say.

But when it comes down to it, where are the benchmarks as it relates to over $500 billion that has been spent on the war and $100 billion-plus that is going to be authorized sometime in the very near future? Where are the accountability measures? They are there to make sure you meet the benchmarks.

I know you can go further into that. But the 97 hearings to date, it is unprecedented in the past Congress and the Congress before that, Mr. RYAN. We have been here for the last two Congresses, and I can guarantee you that 97 hearings at this point in the Congress did not happen.

Mr. RYAN of Ohio. Not at all. We are starting to figure out what has been going on. Part of it, over the past few years, everyone kept saying 6 more months. Give them 6 more months. Six more months. Well, 6 more months, we are 4 years later 6 more months.

Mr. MEEK of Florida. Going on 5, Mr. RYAN.

Mr. RYAN of Ohio. Going on 5. Sixty to 65 percent of Iraqis believe it is okay to kill Americans, to shoot at Americans. We are in the middle of a civil war and we need to get ourselves out of it, not get ourselves further into it. So these hearings are an important component of that, to try to pull ourselves out of this situation that President Bush has gotten us into.

I say that because—for several reasons. One is, some people say well, if you have an end date, then they are just going to sit back and wait until we leave. The problem with that theory is if we say we are going to stay forever, then they are never going to do their share, and the problem has been the Iraqi soldiers won't get trained, the problem is we can't get a political solution because everyone thinks we are just going to stay there and keep the situation intact.

They need a goal, and the goal is, in our supplemental bill, if you do not have improvement in some of the benchmarks we have in there, political and military, if you don't have improvement by July, we are getting out. If you are showing some progress, we will give you until the end of the year, until the fall. And if you haven't met the goals by then, then we are out.

You have got to meet your obligations. Believe me, I didn't support this

war from the get-go, and it kills me, it kills me, that we have got to spend $100 billion to get us out of a situation. That kills me.

This last couple of weeks we have had hearings in the Labor, Health and Education Subcommittee on Appropriations, and you see the millions of dollars the Bush administration submitted that they cut from physical education programs, art programs. They flatlined TRIO, GEAR UP, Upward Bound. All flatlined, with thousands of more kids going into those. Head Start. Only 60 percent of the kids eligible for Head Start get covered. There is a $100 million cut in Head Start, and we are going to go spend $100 billion?

I am voting for the supplemental, because I will do anything to get us out of there, and I believe this supplemental is the best step for us to take to get us out of there.

But it is not only what is going on in Iraq, Mr. MEEK. I don't know if you had a chance to see this memo.

Mr. MEEK of Florida. Before the gentleman goes to the memo, you said this thing is not just about Iraq.

Let me just say very quickly, again, you know here in the 30-something Working Group, we love, we don't like, we love third party validators. We love it, Mr. Speaker. We can't get enough of it. It fires us up. We just love it.

Here is the deal. Requiring the President to honor the standards of the Department of Defense set for troop readiness, training, equipment before sending troops into battle, 70 percent favor requiring U.S. troops returning from Iraq to have at least 1 year in the U.S. before being redeployed to Iraq. That is a Gallup Poll, USA Today, 3–6-07. It is not a poll we did. This is just a poll that these news organizations have held.

Holding Iraqi government to the same standards for progress that the President outlined in announcing the escalation of troops. Seventy-seven percent favored requiring U.S. troops to come home from Iraq if Iraqi leaders failed to meet the promises to reduce the violence there. That is the Gallup Poll-USA Today.

This is very, very, very important. Providing urgency needed to support addressing the military medical care crisis at Walter Reed and other hospitals, 76 percent of Americans do not think the Bush administration has done enough to be responsible to take care of the needs of our men and women that are in uniform.

Mr. RYAN, the bottom line is that this is not a political speech that we are on the floor giving. This is reality. This is governance. This is oversight and this is accountability.

And for Members, Mr. Speaker, who feel that we shouldn't be venturing off into the area of leadership, maybe they didn't pay attention to what took place last November. I would say to some of my friends on the Republican side, because if this was political, I would keep it a secret. But you know, Mr. RYAN, we always talk about issues that may be detrimental to the Democratic forward progress of gaining more seats in the House.

If Republican Members want to vote on being with their, quote-unquote, leadership that has them in the minority right now, because they use catch words like well, you know, we don't need to make decisions because the President is making decisions and it is not our place to do it. Oh, we don't have to have accountability measures within the appropriations bill, within the emergency supplemental, because we need to leave the flexibility for Secretary Rumsfeld and unnamed individuals in the White House and unnamed folks over in the Pentagon to make these decisions.

I am going to tell you right now, that is the road leading to the minority, because it is a lack of oversight and a lack of leadership and a lack of accountability. And I am so happy, Mr. RYAN, I am very happy, it fires me up, Mr. Speaker, that we have a majority that is willing to do what we must do to give the American people, because we are responsible, they are our stockholders. They gave their tax dollars for us to have the opportunity to appropriate those dollars and have oversight over those dollars in an appropriate way.

□ 1915

And by reading these poll numbers and what you just shared, Mr. RYAN, is more than vindication, more than third-party validators; it is leadership, accountability, and being fiscally responsible on behalf of the taxpayer dollars. I can tell you that I don't know a Republican that would say, ''I am against accountability.'' I don't know of a Democrat who would say, ''I don't like being fiscally responsible; I like to be fiscally irresponsible.''

I don't know an Independent who says, and Independents came out in record numbers this last election. They voted for a new direction, and I am so glad we are giving it to them.

Mr. RYAN of Ohio. I would just like to make a couple more points to support you before I take off.

I don't know if you have seen this. I am sure you have as a distinguished member of the Armed Services Committee in your fifth year already. The memo from the gentleman from Texas (Mr. ORTIZ) chairman of the Subcommittee on Readiness, and Mr. ABERCROMBIE, House Armed Services Committee, Air and Land Force Subcommittee, these are the folks in Congress on the ground. They submitted a couple of days ago for Members of Congress, editors, defense writers and other interested parties a memo on military readiness.

I want to say a couple of things that I think are very important on where this war has put our military readiness, an elective war in Iraq as opposed to a real threat to our national interest, and the situation it has put us in. And our distinguished gentlewoman from Ohio (Ms. KAPTUR) who sits on the Defense Committee could probably speak better than I can on this.

Short-term readiness in this memo addresses the needs of soldiers on the field today. Iraq and Afghanistan have been marked by a lack of adequate funding for equipment, from effective Kevlar vests and helmets to uparmored Humvees which are better able to protect our personnel from roadside bombs. Compounding the lack of equipment for both deployed and nondeployed units is the fact that if nondeployed units don't have the same equipment they will use in combat, their training is less than optimum.

So if you don't have a Kevlar vest to train in when you actually are in the field and have to wear one, it is a much different scenario, and you may not have the proper training you need.

Long-term readiness, military preparation for any challenges our Nation may face tomorrow, that encompasses everything from manpower training and equipment to preposition stores of military equipment strategically located around the world that, the Government Accountability Office reports, have been deeply ransacked for Iraqi operations.

Check this out. Roughly half of all of the ground equipment in the United States Army is in Iraq or Afghanistan, nearly half the ground equipment that the Army owns. Since the start of the war, the Army has lost nearly 2,000 wheeled vehicles and more than 100 armored vehicles. Harsh desert climate, mountain terrain, virtually continuous combat and the physical weight of extra armor is wearing out equipment in Iraq and Afghanistan at up to nine times the normal rate.

The Army GAO report details that the Army has not been keeping accurate track of what they have or what they need to reset the force, nor can they provide sufficient detail for Congress to provide effective oversight.

The National Guard, between 75,000 and 100,000 pieces of National Guard equipment worth nearly $2 billion are now in Iraq and Afghanistan instead of National Guard armories around the U.S.; and National Guard units are left with about one-third of their equipment. These urgent equipment shortages hit especially hard on the military's ability to train Guard and active Army units, and they are forced to prepare and train for deployment with minimal equipment.

We have a real problem where the American Army is not ready should we have another incident around the world, or should someone, heaven forbid, attack the United States, or should we have another Katrina. For this President to talk, Mr. Speaker, about protecting the troops and saving the troops and being on the side of the troops, this is being on the side of the troops.

Mr. Speaker, I am going to yield to the gentlewoman from Ohio (Ms. KAPTUR), the dean of the Ohio Democratic delegation.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from Ohio (Mr. RYAN) and also Congressman KENDRICK MEEK from Florida, two 30-somethings who are outstanding leaders in this Congress, bringing new energy and new vision. I thank them for yielding me this time.

We will have extensive debates on the budget concerning the supplemental request for the war in Iraq, the global war on terrorism, and other related measures tomorrow and later next week. But as we are debating this and looking at sending another $100 billion across the oceans, halfway around the world, to support our troops and to try to reach resolution to that conflict, I want to bring to the attention of the American people a very serious issue here at home, one that is making headlines all over the United States.

This is USA Today's headline, ''Record Foreclosures Reel Lenders,'' and ''Subprime Troubles Send Stocks Into Swoon.''

The issue of mortgages across this country going belly up by the thousands should be of concern to every Member of this Congress. The stock market this week has been roiled by concerns over the financial health of largely unregulated mortgage brokerage institutions that have been irresponsibly issuing mortgages in what is called the subprime market across this country and much of that market targets consumers with less than stellar credit ratings or who are at the margins of home ownership in this country.

They have been luring them into mortgages they can't afford, and as those mortgages adjust to higher interest rates in the third, fourth, fifth and subsequent years, they go belly up.

We saw yesterday the connection between the fast rate of foreclosures and the health of our economy when the Dow dropped 243 points as a reaction to the dramatic rise in these foreclosures. As USA Today recounts in the first paragraph, ''The reason many mortgage lenders are in trouble became alarmingly clear Tuesday. The Mortgage Bankers Association said more than 2.1 million Americans with a home loan missed at least one payment at the end of last year, and the rate of new foreclosures hit a record.''

Companies like New Century Financial, the Nation's second largest subprime lender, have quit making loans and are edging towards bankruptcy protection. There is a map in the article that shows certain States, and I am going to discuss my own now, that are far above the national average where we know thousands upon thousands of people are losing their homes.

Ohio was the number one State in the Union to date with these mortgage foreclosures, three times the national average. They are estimating that in the next year and a half, over 250,000 more home mortgages will reset, and they are estimating that the financing gap in Ohio for this year and next year now totals somewhere between $14 billion and $21 billion. That is just Ohio. Add to it Alabama, Texas, Mississippi, Tennessee, Indiana, Michigan, West Virginia. This is a problem of national proportion.

There is plenty of blame to go around, but there is no question it is a serious issue that should be given primacy in this Congress.

I want to compliment the gentleman from Massachusetts (Mr. FRANK) for holding hearings yesterday on hedge funds, the unregulated part of the financial markets that is rather secretive. We don't know a lot about them, but we know many times they are involved with intertwining with these types of loans that have been going out into the marketplace.

We know our weak economy contributes to the situation, but also the failure of the past Congress as well as State legislatures to address predatory lending practices and to try to nip this problem in the bud before it became so much worse.

There is another side to this coin as well, and that is the large number of campaign contributions made by these hot-shot lending brokerage firms that have been making deals across this country; and that story, unfortunately, has to come out, too, and perhaps why some lawmakers have been unwilling to grapple with the magnitude of this problem and prevent the kind of foreclosures that are going on across the country.

Let me say that this USA Today article and the U.S. Department of Housing and Urban Development have a phone number that I urge citizens to call: 888–995–HOPE. 888–995–HOPE.

This line will connect those who are concerned about losing their homes to foreclosure with foreclosure prevention counselors nationwide. That is something we can do immediately. In the measure we will pass next week, we will make every effort possible to put in housing counseling money, and I would urge the Department of Housing and Urban Development to target those dollars to the areas that are just bleeding with foreclosure after foreclosure after foreclosure.

State and local governments could do a lot to help homeowners find help also, particularly in working out financing deals. I think Wall Street is going to have to take some losses. They ought to take them earlier rather than later. We ought to package some of this debt, and we ought to find a way to eat some of it and move some of those egregious profits they are making into filling the financing gap, because what good will it do for us to have millions of housing units across this country vacant? It is not going to help anybody.

We know in these subprime markets, they don't set aside escrow money for property taxes, and we know this is going to have a major effect on local government as well.

Mr. Speaker, I just want to say the President and his administration are focused on rebuilding Iraq, but somebody had better focus on rebuilding America and dealing with these rising foreclosure problems across the country. I will be the first in this Congress to put my shoulder to the wheel.

I want to thank Congressman MEEK for yielding me this time and thank him for his leadership in showing how much money we are spending in Iraq and how it is affecting our ability to address domestic needs here that coast to coast are so very serious.

[From USA Today]

(By Adam Shell)

SUBPRIME TROUBLES SEND STOCKS INTO SWOON

DEPTH OF DAMAGE IN MORTGAGE BUSINESS CONCERNS INVESTORS

The ripple effect of the ''submerging'' subprime mortgage market hit Wall Street hard Tuesday, with the Dow suffering a 243-point drop amid growing fears that home loan woes will infect other companies and hurt the broader U.S. economy. In another volatile day on Wall Street, stocks were battered by a slew of negative news in the home loan arena, prompting investors to wonder just how deep the damage in the mortgage business will turn out to be.

''The market fears that the submerging subprime lenders could drag down other companies with it,'' says Sam Stovall, chief strategist at Standard & Poor's. ''Investors fear credit will dry up,'' which will make it harder for people to borrow money to buy homes and for companies to raise much-needed cash in a pinch.

Tuesday's biggest losers were financial companies that either lend money directly to homeowners or provide cash to the lenders themselves. Shares of subprime and commercial lenders, investment banks and brokers all finished deep in the red. The top two decliners in the Dow Jones industrial average, for example, were American Express, down 3.5%, and JPMorgan Chase, down 4.4%.

Pain in that sector is magnified by the fact that financial services is the biggest of the 10 industry groups in the Standard & Poor's 500 index, accounting for almost 22% of the index's total market value.

Still, the fallout was broad-based. The Dow fell 243 points, or 2.0%, to 12,076, its worst drop since Feb. 27, when it plunged 416 points. The S&P also dropped 2%, with 487 of its 500 components finishing lower. The three worst S&P industry groups were home building, specialized finance and investment banks/brokerages.

The bad news in mortgage land continued to pile up around subprime lenders as New Century Financial shares lost 49% and Accredited Home Lenders fell 65% on concerns their financial woes will worsen. The S&P's worst-performing stock: Bear Stearns, a big Wall Street brokerage with subprime exposure, fell 6.7%.

The big question now is whether Tuesday's sell-off, like the Feb. 27 plunge, is just air being let out of the speculative balloon, or whether more serious economic issues are at play, says Nicholas Sargen, chief investment officer at Fort Washington Investment Advisors. ''Yeah, we are going to see a general tightening of credit standards and a crackdown on subprime lenders,'' Sargen says. ''If you say it stops there, that is nothing new. But, and it's a big but, nobody knows for sure.''

Investors will be watching what Lehman Bros. says about the health of the mortgage market and if the damage is isolated to subprime lenders when it reports earnings Thursday. Says S&P's Howard Silverblatt: ''They will be looking to get more info as to how much exposure there is and who else is exposed.''

[From USA Today, Mar. 14, 2007]

RECORD FORECLOSURES REEL LENDERS

(By Noelle Knox)

The reason many mortgage lenders are in trouble became alarmingly clear Tuesday. The Mortgage Bankers Association said more than 2.1 million Americans with a home loan missed at least one payment at the end of last year—and the rate of new foreclosures hit a record.

The problem is most severe for borrowers with scuffed credit and adjustable-rate mortgages. More than 14% of them were behind on their payments. And the worst is yet to come, the MBA said. At least $300 billion in subprime ARMs will reset this year to higher interest rates. Those borrowers face higher payments and a harder time refinancing.

Blindsided by the number of loans that have already gone bad, more than two dozen lenders have gone out of business or been purchased. New Century Financial, the nation's second-largest subprime lender, has quit making loans and is edging toward bankruptcy protection.

''There's been a stunning erosion of mortgage quality,'' said Mark Zandi, chief economist at Moody's Economy.com. ''It's primarily in the subprime market, but the entire market is weakening . . . and that adds to problems in the housing market, and by extension the broader economy.'' Retailers are already feeling the effect, he said, because homeowners tend to spend less when they fear their homes are worth less.

To stem their losses, lenders are ending 100% financing plans, requiring better credit scores and demanding more proof of a borrower's income. The stricter rules are squeezing first-time buyers, as well as homeowners who want to refinance.

Sellers, meantime, must compete with a rising number of foreclosures at cut-rate prices. Lenders that seize control of a house are usually aggressive about selling it, to limit the cost of maintaining and marketing it.

It's like a one-two punch, Zandi says. ''It means less demand because many potential borrowers will be locked out,'' just as foreclosures expand the supply of homes for sale.

Some economists, such as Patrick Newport of Global Insight, had been expecting the real estate market to rebound soon. Now, he says, ''We probably won't see a recovery in the housing market until next year.''

In fact, sales of new homes are expected to fall 10% this year, while sales of existing homes are likely to slip about 1%, the National Association of Realtors said Tuesday.

States with the most job losses are seeing the largest number of delinquencies. In Mississippi, Louisiana, West Virginia, Michigan, Alabama, Missouri and Tennessee, at least one in five subprime ARMs is in default.

In the final quarter of last year, 0.54% of homeowners with a mortgage began foreclosure proceedings—a record—up from 0.46% in the third quarter.

Calls from distressed homeowners to the Homeownership Preservation Foundation, a free credit counseling service (888–995–HOPE or 888–995–4673), have more than doubled from last summer.

Mr. MEEK of Florida. I thank the gentlewoman from Ohio. I am so glad that she comes to the floor often to share with Members and the American people on issues that need light. It is good when we are able to give good information out.

Mr. Speaker, I think it is important as we go through this week of accountability in Washington, D.C. I think that is what people have been waiting on and counting on. The leadership is being provided to make that happen.

Earlier you heard me talk about the whistleblower legislation that was passed here today. When we start talking about ending waste in Federal contracting, we start looking at strengthening protections for Federal whistleblowers and moving to increase disclosure requirements for Presidential records, and also requiring disclosure of big donors to Presidential libraries. Providing long-term, overdue, constitutionally mandated oversight over veterans' health care crises and other Federal issues is very, very important. This is serious work, and there are some serious pieces of legislation that will cross this floor.

Tomorrow we will be dealing with the whole issue of accountability in contracting. That is so very, very important, not only with the war in Iraq and the war in Afghanistan, but many of the contracts that are being executed in Homeland Security and the Defense Department. As we start to look at future disasters, looking at future contracting in our Federal agencies, it is important.

Limited duration of no-bid contracts awarded in emergencies to 8 months; within the emergency, Mr. Speaker, if it is an emergency, it is an emergency, not an emergency over the next 4 years for no-bid contracts. And many of the bigger companies have taken advantage of the no-bid contracts and have been the headline of several news articles about the fact that we have not provided the kind of oversight needed.

Also, requiring large Federal agencies to develop and implement a plan to minimize the use of noncompetitive contracts in having no-bid contracts, and many of these Federal agencies have not only doubled, but tripled in some instances.

□ 1930

So overall within the Bush administration that has doubled under this administration.

Also, requiring large Federal agencies to implement a plan in minimizing the use of cost-plus contracting. Cost-plus contracting are the type of contracts that give contractors little or no incentive to control costs. This is so very, very important. This kind of contracting has grown by 75 percent under this present administration.

This legislation that we are passing or will pass tomorrow hopefully as we debate it on the floor is not for the Bush administration. It is for the future. It is from this point on of how we are going to deal with contracting, how we are going to cut out some of this waste that is taking place here in Washington, D.C., and throughout the Federal Government.

This is really tackling many of the issues that we have right here under our nose, Mr. Speaker. We do not have to go off into foreign lands and try to figure out how we can correct. We need to correct some things right here in Washington, D.C., on how we do business.

Also, requiring agencies to prepare a public letter explaining why they awarded a no-bid contract. Again, shedding light where we do not have light now. This is leadership and work. It takes work to uncover the fact that we must shed light on the issue of no-bid contracting.

Also, requiring that contractors that overcharge more than $1 million, that it is disclosed to Congress. We want to bring about accountability. Disclose it. Right now, contractors that go over and overcharge, go over the billions of dollars. When I was on Homeland Security Committee last year, the oversight committee, seeing all of the contractors that overcharged and was paid by the Federal agencies and Homeland Security, you charge us, you sent us a bill, we will pay it, no accountability, no oversight. Those days are over. It is going to start here tomorrow here on this floor.

I urge all Members to vote for the legislation in the affirmative, and Mr. Speaker, maybe tomorrow when we come to the floor, the 30-something Working Group, maybe we will have a bipartisan vote on this legislation. It is kind of hard for anyone to go home and say I voted for the Accountability in Contracting Act. Just the word ''accountability'' I have been using that for the last 3, 4 weeks. We will see. I hope we have it.

Also, making sure that we close the revolving door and requiring that former Federal procurement officers wait 1 year before seeking employment at lobbying and contracting firms; require that the Federal procurement officer wait 1 year before involving themselves in contracts given by the former employer.

I think it is important, Mr. Speaker, once again, we had just here on this floor, we have had Members that have anchored bills, led it through Congress and announced retirement, in past Congresses they have done this, announced retirement and go into the private sector and make millions, but that happens under the lights of this Chamber.

But in some of these Federal agencies, you have some folks that will start a project and then have an end date of when they are going to end their Federal employment to do what? To go out and manage the project. Again, I do not know an Independent, Republican or Democrat that would endorse that kind of activity.

Why will the Accountability in Contracting Act be on the floor to tomorrow? Because the Democratic leadership has the will and the desire to clean up the waste in Washington, D.C., not just talking about it, not just

having boards behind us saying we believe in accountability, we hate waste, but actually doing something about it.

This should be good for the private sector, too, of making sure that their employees and individuals that work with them and subcontractors that work with them on Federal contracts are accountable and that they make sure that they pay very close attention to what they are doing with the taxpayer dollars.

So, Mr. Speaker, with that, I look forward to coming to the floor tomorrow, talking about the victories of this week. I believe tomorrow will be our last day voting here this week, and I would like to just recap and also talk about what is coming up next week. The reason why we are going through this process is because not only has the leadership asked for inclusion of ideas, but to make sure that no one feels excluded of being a part of this process and having the opportunity to vote on legislation.

The bipartisan votes that I have mentioned earlier will continue to add on to that list, and soon I am pretty sure it will be in the high 30s and 40s because legislation that makes sense to the people back home are coming to the floor of the House of Representatives in a record number like it has never done before.

So I am happy that we are having these bipartisan votes. I am happy that we are working as though we were in the minority, hungry to provide leadership. I am glad that accountability is shining on to this floor and throughout the halls of Congress, and with that, Mr. Speaker, once again, it was an honor addressing the House.

REPUBLICAN STUDY COMMITTEE

The SPEAKER pro tempore (Mr. PERLMUTTER). Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 60 minutes as the designee of the minority leader.

Mrs. BLACKBURN. Mr. Speaker, I appreciate the opportunity to come to the floor this evening and to talk about something that is of tremendous importance to the American people, and today, we have introduced an American Taxpayer Bill of Rights.

This is something that we have had talk. We have had a lot of conversation. We have heard from constituents around the country who have said, you know what, we do not like the size of government. We do not like how it has grown. We do not like how government seems to be out of control. We do not like how the Democrats always seem to support the government elitists. We know that we need to have somebody there fighting for the American taxpayer, fighting for the American family, so that when they sit down to work out their budget, when they sit down to look at the family finances, they can be assured that somebody is thinking about them when they take the votes that are going to affect us, to affect the Federal Tax Code and to affect how the American family lives and works and hopes and dreams and plans, how they make their plans for college education, how they make their plans for small businesses, how they make their plans for building a nest egg and a retirement.

So we have the American Taxpayer Bill of Rights that was introduced today by the fiscally responsible Republican Study Committee, and this is something that we have brought on. Some of our colleagues are going to join us tonight and talk about this issue, talk about the legislation that we have brought forward, and that we will bring forward through the next several months and talk about the proposals and the principles that we have laid forth today.

Now, if my colleagues want to find out more about the American Taxpayer Bill of Rights, I would encourage them to go to the Web site which is house.gov/hensarling/rsc, and you can e-mail the Republican Study Committee at rsc@mail.house.gov. That is the way to stay in touch with us, and as we talk about the principles that are embodied in the taxpayer bill of rights, we want to hear not only from our colleagues that are here in the House but from our constituents all across America, from people who want to weigh in on making certain that this Nation stays focused on preserving freedom, on preserving free enterprise, that we stay focused on making certain that America is a prosperous Nation.

Now, our components, we have four simple principles that we have introduced into the American Taxpayer Bill of Rights, and I am certain, Mr. Speaker, that people that are listening to this say I think I have heard about a bill of rights in my State; I think I have heard this before. Many of our States have because many of our States know they need to be responsible with the taxpayers' money, and that is one of the first lessons.

The money that we have here in Congress is not government's money. It is not the money of the House of Representatives. It is the money of the taxpayers of this great Nation. They are the ones that have earned that money. They are the ones that have paid their taxes.

Most of my constituents in Tennessee will tell me regularly, Congress does not have a revenue problem; they have got lots of money and they are right. For the past 2 years, this government has brought in more tax revenue than ever in history. We have had more revenue come in. The problem is government has a spending problem. Government has such an appetite, it never gets enough of your money.

Now, my colleagues across the aisle like to talk about how there is all this waste and how there is all this fraud and how there is all this abuse, and you know what, they are right on that, because over the past 60 years there has been this huge, enormous bureaucracy that they have built. The bureaucracy of the Federal Government that exists in this town is pretty much a monument to the Democrats. They like it. They like bureaucracy.

They did not have control of this House for 2 days before they increased spending, and within 2 weeks they had increased taxes on the American middle class and American working families. Two days to increase the spending, so that they could feed this bureaucracy, so that they could grow this bureaucracy; and 2 weeks to increase taxes on the American middle class and the American family, men and women that are working and seeing their taxes go up. Last week, I think it was $17.9 billion that they increased spending.

So their habits have not changed. They are going to continue to feed the bureaucracy, to see that bureaucracy waste money, to see that bureaucracy grow because that is the way they like it.

What we are going to do in the fiscally responsible Republican Study Committee is put the focus on the American family and on the American taxpayer and be certain that they know we are defending their rights.

One of those is to limit Federal spending to the growth of the American family budget. Now, this is a great idea that we have taken from many of our States.

In Tennessee when I was in the State Senate, when you look at our State Constitution, you cannot grow spending in that State more than the growth of the budget. You have got to be certain that you balance that out. So what we are saying is, if we have per capita income growth of 3 percent or 4 percent, then you cap your Federal growth spending at 3 percent or 4 percent. You cannot be growing it 8 or 9. You cannot keep up with that. There is no way to make those numbers work unless you go into deficit spending.

Our friends across the aisle love to rail about deficit spending. Well, how did we get there? They grew a government so big, with entitlements so wide, that every year they come here and it is always a little more and a little more. Let us spend a little bit more, and a little bit adds up to a lot, and a lot adds up to a deficit, and a deficit adds up to a debt.

So limit what the Federal Government is going to spend, get in behind some of these programs that have outlived their usefulness.

Every year we bring forward programs that have outlived their usefulness. Every year we talk about programs that need to be reduced. Every single year we talk about ways to find waste, fraud and abuse. It is time for this body to have the will and the energy to begin to reduce spending.

Mr. Speaker, for all the rhetoric that comes out from some of the liberal elites who want to pad and grow the

bureaucracy and some of those organizations that benefit from the bureaucracy, you do not hear them talking much about the Deficit Reduction Act that this House passed and was the budget for 2006. The Deficit Reduction Act included a 1 percent across-the-board reduction in discretionary spending.

□ 1945

Lo and behold, that yielded a $40 billion savings. Well, now, those on the left wanted to cry, oh, $40 billion is not enough. It is a mere drop in the bucket. It is not even a good start. Their solution was to go out and propose several hundred billion dollars' worth of spending amendments that would increase spending.

That is how they wanted to reduce it. Not reduce what we were spending, just maybe reposition some money and spend a little more.

So we want to be certain, the Republican Study Committee, with our fiscally responsible premises, let's limit it. Let's not let this Federal budget grow more than the family budget.

Another of our premises is to ensure that our Social Security remains secure. I think it is absolutely appalling that every year the Federal Government spends the surplus from Social Security, every single year. Every single year it goes into the general fund.

We have a plan we are going to bring forward, and we are going to see several different plans on this. Move it off budget, don't spend it, make certain that it is there for our seniors when they are ready to retire.

Commonsense tax reforms: We have a plan for sunsetting the Tax Code, and as we sunset that Tax Code on January 1 of 2011, let's begin now and have a debate. Do we want a flat tax? Do we want a fair tax? How do we want to reduce what the taxpayer spends? How do we want to reduce the tax burden?

You know, one of my colleagues was down here a little bit earlier and was talking about how difficult things are for working families, how difficult things are for moms and dads who are working and trying to make ends meet, and where they could go for help. You know the best place they could go for help? The best place to go for help is right at your kitchen table when you can look there at the papers in front of you and say, we have seen our taxes reduced by 15 percent, by 20 percent, by 25 percent.

There is no need for nearly 50 percent of everybody's income to end up going to taxes at the local, State and Federal level. It is time to roll that back. Give people first right of refusal on the money that they earn in their paycheck.

Our fourth premise is to make certain that we have a balanced budget amendment, another great idea that has come from our States. Many of our States have balanced budget amendments, many of our cities and county governments have balanced budget amendments. You cannot go into deficit spending. The Federal Government needs to adopt that practice.

At this time, I would like to yield to the gentleman from Texas (Mr. HENSARLING), who is chairman of the Republican Study Committee, for his comments on the American Taxpayer Bill of Rights that was introduced today.

I yield to the gentleman from Texas.

Mr. HENSARLING. I certainly thank the gentlelady for yielding, and I especially thank her for her leadership. She was one of the prime architects of the Taxpayer Bill of Rights that was unveiled today in the United States Capitol. It is a very bold concept that we have, and that is that taxpayers, taxpayers ought to have rights that will be as respected and as revered as those that are enshrined in our United States Constitution.

Now, why is this so important? Just within the last 2 to 3 weeks, we have heard reports now from the Congressional Budget Office, the Office of Management and Budget, the Government Accountability Office, the Chairman of the Federal Reserve, the Secretary of the Treasury, every single person, or every single department that is in charge of either the monetary or fiscal policy of our government have all come to the same conclusion; and that is the number one challenge that we face, the number one fiscal challenge that we face in America is the out-of-control spending represented by what we call entitlement spending.

Now, our friends on the other side of the aisle, they don't want to do anything to help reform entitlement spending. They don't seem to want to work with us to find better, smarter, more accountable ways to deliver health care and to deliver retirement security at a more reasonable and affordable cost. So what that means is, there will be a tax increase, yet another tax increase on the American people.

Now, immediately, they have their sights on the tax relief that was passed in the last few years, the tax relief that has now created over 7.5 million new jobs in America; 7.5 million more people are working now because of the economic growth due to that tax relief. They want to do away with that.

We have the highest home ownership we have ever had in the history of America, home ownership, part and parcel of the American dream, and thanks to this tax relief, we have that. Household net worth is up. The unemployment rate is lower than it was in the average of the 1990s, the 1980s, the 1970s, and even the 1960s. All of this is due to tax relief.

But our friends on the other side of the aisle, they want to take it away. They would take the working poor and increase their taxes 50 percent. They would take away the 10 percent bracket, bring back the 15 percent bracket. They bring back the marriage penalty, the marriage penalty. Tomorrow, if you fall in love, you get married, you pay higher taxes. The list goes on and on. Now, that is bad enough, but that is just what would happen immediately if we don't have a Taxpayer Bill of Rights.

More importantly, as time goes by, just to pay for the government we have today, the government programs which are on automatic pilot to grow exponentially, if I remember my 8th grade geometry, it's not growing like that, it's not growing like that, it's growing like that. These programs are growing exponentially. What is going to happen is, as time goes by, the children and grandchildren of our families, they will be facing a tax increase of almost double their present taxes.

Again, let me restate that, double taxes. The average American family today pays about $20,000 a year combined in their Federal income taxes and their payroll taxes. People who are viewing this debate now, their children, their grandchildren, are going to be facing a crushing tax burden of almost $40,000.

Again, don't take my word for it. Go to the Web site of the Office of Management and Budget. Go to the Web site of the Government Accountability Office.

The Comptroller General, I guess you would call him the ''chief green eyeshade guy'' for the Federal Government, our key actuary, has said something along the lines, and this is a paraphrase, that we stand on the verge of being the first generation, the first generation in American history to leave the next generation with a lower standard of living.

Mr. Speaker, my wife and I have a 5-year-old daughter and a 3-year-old son, I am not just going to sit idly by and allow that to happen, allow that to happen. We have to have a Taxpayer Bill of Rights today to save the taxpayers of the future from this crushing burden. Shame on us if we do nothing, if all we do is look to the next election and not the next generation.

That is why it was so important, particularly having the help of the gentlelady from Tennessee in helping craft this Taxpayer Bill of Rights, four very fundamental principles that are so important to the future of this country.

Number one, and probably the most important principle, every taxpayer ought to have the right to have their Federal Government not grow faster than their ability to pay for it. What a radical concept to think that if your family budget grows 3 or 4 percent, why should the Federal budget grow 7, 8 or 9 percent?

Ultimately, we cannot sustain that growth rate, because every time, every time we balloon the Federal budget, we are putting the family budget in a vice. That means there are families all over the Fifth District of Texas, that I have the honor of representing in the hallowed halls of Congress, some family in the Fifth District of Texas, now they are not going to be able to send a kid

to college because there is a plan, they don't have any rights as taxpayers, and their taxes are going to get increased 50 to 100 percent.

Some family in the Fifth District of Texas will not be able to enjoy their version of the American dream, express their entrepreneurial spirit and start their first small business. Some family in the Fifth District of Texas, they are not going to be able to get the proper, long-term care for an aged parent, all because Uncle Sam will take more taxes, more and more taxes, just to pay for the programs we have today.

So we believe that every taxpayer ought to have the right to have their Federal Government not grow beyond their ability to pay for it. The Federal budget should not be growing faster than the family budget.

Second of all, we know how important Social Security is to our seniors. Not only am I a father, I am very happy that I have parents who have Social Security. It is part of their income. It is a very important program.

But every taxpayer who pays into Social Security ought to have the right to know that their Social Security taxes will be used only for Social Security. We know if we don't reform that program, if we don't take it away from big spending liberals in Congress, they are just going to blow it on something else. That is not right.

Every taxpayer should have the right, should have the fundamental right, who pays into Social Security, to have that money go to Social Security.

Third, the Tax Code is wrong. It is unfair, it is complex, it is unconscionable. It ought to be pulled out by its roots and thrown away. Every taxpayer should have the right to a fair and simple Tax Code, one that they can understand, one that they don't have to employ an army of lawyers and accountants to explain to them, a Tax Code where, if you call the IRS, you shouldn't get five different answers just because you talk to five different people about a problem.

They ought to have a right to a Tax Code that, due to its complexity, doesn't send jobs overseas.

It is time to sunset the Tax Code. We want to sunset the Tax Code in 3 years and force this body to replace it with something that will be fair, something that will be simple.

Winston Churchill once said that Americans will usually do the right thing once they have exhausted every other possibility. It is time to exhaust the other possibilities and help force this Congress to do the right thing and scrap the Code.

Fourth, the fourth right of the conservative movement in the House, the Republican Study Committee, we believe that every taxpayer ought to have the right to have their Federal Government balance the budget. Families all across America have to balance their budget. Why doesn't the Federal Government balance theirs and balance it without raising their taxes?

Of course, we can balance the budget if we double their taxes, if we take away their hopes to send a kid to college, if we take away their hopes to start a small business, if we take away their hopes of providing long-term care for an aged parent. Sure, that is one way of balancing the budget, but there is another way. It is for Members of Congress to actually do the hard labor of prioritizing all the Federal expenditures and getting there and reforming ancient programs that are no longer fulfilling their mission, or maybe they already have. Maybe they have already achieved success.

It wasn't too long ago that I figured out that we were still paying for Radio Free Europe. I don't know how many people who are listening to the proceedings this evening remember Radio Free Europe; it served a very vital role in helping win the Cold War. But if I remember my history properly, the Berlin Wall came down in 1989. We should have given everybody at Radio Free Europe a great party, given them a great bonus check and used that money to help shore up Social Security.

President Ronald Reagan once said the closest thing to eternal life on Earth is a Federal program. So we have to decide, what is the priority around here? We need to balance the budget.

The easiest thing Members of Congress do is, they say ''yes'' to some constituency today, and then they just go ahead and send the bills to a future generation. Just by leaving government on automatic pilot they are sending bills to future generations, because we know again, if the Democrats on the other side of the aisle will not work with us to reform out-of-control, runaway entitlement spending, again, our children and grandchildren are going to face a doubling of their taxes. That is unconscionable, absolutely unconscionable.

So we, the conservatives within the House of Representatives, represented by the Republican Study Committee, believe that taxpayers deserve four fundamental rights: a right to have a government grow no faster than their ability to pay for it; they should have the right that every single penny of their Social Security tax dollars goes to Social Security; they ought to have the right to a fair and simple Tax Code; and they should have the right to have the Federal Government balance the budget so that they don't end up paying half of their tax burden for previous generations.

So I am very happy that 100-plus members of the Republican Study Committee have come together to embrace this Taxpayer Bill of Rights. It is a very exciting concept, and one, Mr. Speaker, that legislation will be introduced in the weeks and months to come, that we will be talking about from coast to coast, north to south, east to west, that we believe will capture the imagination of the American people so that finally some amount of fairness and some amount of rationality can come in, because if we say ''yes'' to everybody who walks in our office today with their hand out, we end up saying ''no'' to our children's future.

□ 2000

And, again, I don't want to be a part of the first generation in America to leave the next generation a lower standard of living. That is not the American way. That is not the American dream. There is a better way, and it is called the Taxpayer Bill of Rights.

And with that I would be happy to yield back to the gentlelady.

Mrs. BLACKBURN. I thank the gentleman from Texas for his leadership on the issue. The American people have just so clearly said we are tired of this wasteful spending. We are tired of taxes that continue to go up. We are tired of watching wastefulness in bureaucracies that don't respond to you when you need them, when you have a problem.

And we have heard from so many people today who have said, we are so excited somebody has grabbed this problem and is looking for solutions, because that is what the American people want is for this body to come together to grab hold of problems and to work for solutions, work those problems through to solution, so that we make certain that our children and our grandchildren are going to have a better future, so that we know that we are going to leave things in better shape than we found them. That is good stewardship.

And continuing to feed this bureaucracy that started with the New Deal, that started with the great society, programs that have piled on and piled on and piled on; people that are afraid to say no to every special interest group that comes in this town.

It is time for things to change. The Republican Study Committee has unveiled their Taxpayer Bill of Rights; house.gov/hensarling/rsc. Or e-mail the Republican Study Committee, rsc@mail.house.gov, and give us your comments and your feedback and participate with us as we look at ways to make certain that we take less from the American worker, we take less from the American family, we reduce those taxes, and we leave that money there with you, without ever taking it away, leaving it for you so that your pay check is bigger, so that you have got money left over at the end of the month, instead of having too much month left over at the end of the money. That is the way we need to be doing it, leaving the money with the taxpayer.

At this time I would like to yield to the gentleman from Georgia, Dr. GINGREY, who has been such a leader on fiscal issues and on the tax reform issues, and seek his comments on the Taxpayer Bill of Rights.

Mr. GINGREY. Mr. Speaker, I really thank the gentlelady for yielding. And

I am sitting here chuckling a little bit here at that comment, too much month left over at the end of the money. If that doesn't cut to the chase, I don't know what does. And certainly I want to compliment my colleagues from the 108th Congress.

Mrs. BLACKBURN. If the gentleman would yield.

Mr. GINGREY. Of course I will yield.

Mrs. BLACKBURN. I have a constituent who uses that phrase all the time, you know, about having too much month at the end of the money, and would like to have a little bit of money at the end of the month.

And today, during our press conference, as we announced this, one of our colleagues was quoting one of his constituents named Hoss. Another of our colleagues got up and quoted the philosopher, Voltaire.

And where I come from in Tennessee, we generally quote country music. And when we talk about this Tax Code, I generally think of the great James Dean Hicks song sung by Randy Travis, ''When You're In a Hole, Stop Digging.''

And that is what the American people and what a lot of our constituents are saying. We have dug such a hole with this 17,000 pages of Tax Code, and it is taking too much away, and there is not enough to cover the expenses every single month. So we are kind of looking at the IRS and saying, maybe we will bury these tax books.

And I yield back to the gentleman.

Mr. GINGREY. And I thank the gentlewoman; and absolutely right on target. I also share her love of country music as well.

But when we did that press conference today, Mr. Speaker, with our Communications Chair of the Republican Study Committee, our chairman, the distinguished gentleman from Texas (Mr. HENSARLING) and JOHN CAMPBELL, the gentleman from California, who chairs our Subcommittee on the Budget and Spending Task Force and many other of the members of the Republican Study Committee and talked about this four point Taxpayer Bill of Rights. Everything has got an acronym. You could call that TABOR, I guess, TABOR. But the gentleman from Texas who just preceded me outlined those 4 points. I don't need to go back into that.

But clearly, the Taxpayer Bill of Rights is just as important, as one of the Hosses from the State of Georgia, our dear esteemed colleague, Charlie Norwood introduced a bill a number of years ago, the Patient Bill of Rights. I love that. The Patient Bill of Rights. I wasn't a Member at the time. It inspired me to become a Member, because he was concerned about the physical well-being when the excesses of the managed care industry, if you will, were really causing people a hard row to hoe to get to their doctor of choice. And Charlie Norwood, Dr. Charlie, had that Patient Bill of Rights because he was concerned about the physical well-being of America. And what we are talking about now is the fiscal well-being in this Taxpayer Bill of Rights, equally as important.

And again, I am proud to be supportive of my colleagues in the Republican Study Committee. I hope that we can have the Blue Dog Democrats embrace this TABOR, Taxpayer Bill of Rights.

I will tell you this, Mr. Speaker. This is the season of Lent. It is the season when Christians reflect on their spiritual life, and they think about repentance and doing things better and being better toward their fellow man and making sacrifices.

And I will tell you, I have thought about that during this Lenten season; we are midway at this point, of my political life and what changes I, as a Member, can make, representing those 650,000 constituents in the 11th District, Northwest Georgia, what can I do better for them?

Have I lost my way a little bit?

I want to say this, Mr. Speaker. And these are my two good friends that are on the floor with me. They have not lost their way. And they have been an inspiration to me from day one, back in 2003, when we were sworn in, in regard to their total commitment to fiscal responsibility and taking that leadership role.

I have been maybe, from time to time a little bit squishy. Some of those people that come in, you know, it is easy, everybody needs a little bit more. Just what is going to make you happy? Well, just a little bit more spending from the Federal Government.

But I am recommitting myself during this Lenten season, both spiritually and politically, because what has really happened, Mr. Speaker, and I think my acting Legislative Director said this to me as we were chatting earlier this evening. He said, you know, Congressman, what has happened here is the Federal Government has become this giant riding lawnmower, this giant riding lawnmower, when the Founding Fathers really intended it to be a weedeater, and that is exactly what has happened. We need to go back and with this Taxpayer Bill of Rights, go back to the days when the Federal Government was a weedeater, and we can do it. And I commend my colleagues, and I appreciate the opportunity to share those thoughts with my colleagues tonight.

And I yield back.

Mrs. BLACKBURN. I thank the gentleman from Georgia. I was interested in some comments the gentleman from Georgia made earlier today as we look at sunsetting the Tax Code. And I appreciated his perspective on the conversation we should have with the American people about sunsetting the Tax Code, and then, what kind of tax we go to, and what a great and vigorous debate that that can be. We have got some wonderful options to choose from. And there are those that want to reduce the limits. There are those that want to get rid of some of these 17,000 pages of deductions and credits and special preferences and incentives, and they want it to be simple and easily understood. And I appreciated that.

There are those, and the gentleman from Georgia mentioned that, another of our colleagues, who supports the fair tax, and having just the national sales tax, and how important that would be to allow a debate on that. How wonderful for the American people if both sides would come together, if they would join the fiscally responsible Republican Study Committee and say, we are going to have this debate. We are going to get rid of this Tax Code. We are going to set about on the path so that our children and our grandchildren will say, they thought about me. They put in place a tax code that I can do my taxes myself. I can focus on building a business. I will have more money in my checking account, in my savings account, in my business, building that nest egg. They will leave that money with the person that earns it, rather than sending it to a bureaucracy to waste on frivolous desires. And I appreciate the comments the gentleman from Georgia made on that issue.

At this time, I would like to recognize the gentleman from Iowa (Mr. KING), who has worked diligently on the issue of tax reform since he came to this body.

And Mr. Speaker, it is a point of personal pride for me that our freshman class that was sworn in in 2003, everyone that is here in the 108th Congress, all the Members speaking tonight were a part of that class.

And I yield to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentlelady from Tennessee and especially all the work that you do and the way that you helped direct this communications together so that it is a consistent message. And it is a privilege to serve with you. And there is a certain bond that comes in. When you come into this Congress together, you go through these wars together, and you fight the battles together and stand up for Americans and for the Constitution together. And those are bonds that make us stronger and make us better and more unified. And when we see things happen that are breaking down the opportunity for a better American destiny, that is when we rally and come together for the things that are right.

And so with the discussion that has been going on here, that has to do with the responsibility of funding and being able to put together a real fundamental tax reform and the reference to the fair tax, I need to stand and say that that is something that I came to a conclusion that I was supportive of that concept some time in about 1980. In fact, I know it was 1980 because it was the IRS that audited me one too many times in a row and the audit was for 1979. And as I sat there and my business was immobilized for 4 days while I pulled pieces

out of the filing cabinet, finally we got that resolved. And then I went back out and climbed in the seat of a bulldozer and I began to think, why are those people in my kitchen? Why are they looking through everything, all my records that I have had for the last several years? Who do they think they are making Monday morning quarterback decisions on decisions I had to make on the fly while I was trying to make a living? And wouldn't it be wonderful if we could live without the Internal Revenue Service.

And so I started with that principle, quickly got to the principle of, as Ronald Reagan said, what we tax we get less of. What you subsidize, you get more of. What we tax we get less of.

And so the Federal Government, in its ''infinite wisdom,'' and I do put that in quotes, has the first lien and taxation on all productivity in America. Well, I want to take that first lien off of all productivity. I want to untax all productivity. I want to untax the poor. I want to put the tax on consumption, not production. And if we do that, we will see this Nation's economy blossom and grow dramatically. People will get back their freedom. Little Johnny, that puts up his baseball cards, or Sally, that buys her Barbie doll clothes, will have to dig a couple of dimes out for Uncle Sam. And when they see that, transaction after transaction, that generation of Americans will understand how expensive the Federal Government really is, and some of those little Johnnys and Sallys will come to this Congress and stand here on this floor like we are tonight, and they are going to say, boy, you know, I kind of like my freedom, and I am really not that happy with more government security, and we will have a Nation of responsible people that will be singing their voices here on the floor of Congress and shrinking the responsibilities that Congress has taken on, and expanding personal responsibility.

Mr. Speaker, I would also like to address this issue of this bill that we expect is coming to the floor next week, and the bill that would have in it the supplemental appropriations for our armed services, and all the bells and whistles and the Christmas tree that the people on the inside of the door could possibly hang on there to the tune of, we are at least hearing $20 billion in other wants that some people want to have that they want to bring to this floor when we need to make sure that we fund our military in a responsible fashion.

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And we haven't seen a lot of those details. They aren't going to come to us in time to actually debate them and analyze them very well, but they have been leaked to the press.

So I would like to make a point here, a point, Mr. Speaker, for the American people to understand. We all come down here on this floor every new Congress, this 110th Congress. And I bring my Bible to the floor and I swear on my Bible, not the Koran, but the Bible, and I swear to uphold the Constitution of the United States.

Well, I happen to have one here, I carry it in my jacket pocket every day. And the people who are behind the scenes that are drafting the supplemental bill that needs to take care of our military and adding the billions of dollars onto that need to go back and check this Constitution in a couple of places. They swore the same oath. And here are our constitutional responsibilities as a Congress. This comes from article I, section 8.

We have the responsibility and the constitutional authority to declare war; to raise and support armies, to provide and maintain a navy, by implication, and an air force; and to make rules for the government and regulation of the land and naval forces.

And we also have to recognize that in the Constitution the President shall be commander in chief of the Army and Navy of the United States, and of the militia of the several States when called into actual service of the United States. That is our constitutional obligation, Mr. Speaker. And we have all taken the same oath.

And we will have another profound constitutional debate here on the floor of this Congress. And I will submit that there has not been a court test or a court challenge to the standards that I am going to ask this Congress to be held to, and that is, this constitutional standard, this standard of we declare war, we fund the military and we hand the authority of commanding this military over to the commander in chief because it is a constitutional right that he has and a constitutional obligation that we have to support and trust him as he makes those decisions, those life and death decisions; and I mean life-and-death decisions for armed services personnel, also life-and-death decisions for American civilians, for civilians around the world.

The life-and-death decisions for the life of this Nation hang in the balance. And we think that we have 435 generals here in the House of Representatives, and 100 generals over there in the Senate, and somehow that committee of 535 can come to a consensus and we can figure out how to fight a war which requires intelligence, secrecy, knowledge, decisionmaking, the element of surprise, the list could go on and on and on, all the things we could give up if we think we can micromanage a debate from here.

It is a political debate on this floor, Mr. Speaker; it is not an analytical debate. It needs to become a constitutional debate. I am going to stand with the Constitution. I am going to stand with my Oval Office. I am going to stand with the commander in chief, whether he is a Democrat or Republican, and maintain my constitutional responsibility here and keep my oath, which I swore on my family Bible here on the floor of the United States Congress.

I would be happy to yield back to the lady from Tennessee, and I thank you.

Mrs. BLACKBURN. I thank the gentleman from Iowa so much.

And I am so pleased that he mentioned the supplemental budget that will come before us. I noticed today in an article I was reading that it would include $16 million for new House office space. That is not an emergency priority, it is not a war priority, that is something that should be disclosed in the regular budget. And I find it so curious that we are having this type spending find its way into our budget. And Mr. Speaker, that is unfortunate that the American people are having the wool pulled over their eyes, if you will, are being afflicted with this type of budgeting process where there is going to be all sorts of additional domestic spending that goes into something that is to fund our troops and to meet the needs of the men and women in the field.

As I close this tonight, I want to go back to talking a little bit about how we limit the Federal spending, how we limit the growth in the Federal Government. And as we have worked on preparing this American Taxpayer Bill of Rights and as we have looked at the items that go into this, as we look at how to grab hold of this situation and this problem and solve it and move the solution to the floor of this House, as a way to be certain that we keep the emphasis on freedom and prosperity for the American people, we had a comment that was made. And it was that the Federal budget should not tell the story of the government, the Federal budget should tell the story of the American people.

And, Mr. Speaker, I think that that is a very appropriate way for us to consider this budget document and what the budget should look like and what the Federal spending should look like. Because truly if we are listening to our constituents, if we are making certain that we meet our priorities of leaving money with those who earn it, balancing the budget, making certain that the money we earn that has been set aside for our retirement and Social Security is there for Social Security and is not spent on frivolous needs, frivolous wants of the government, then we can say, yes, indeed, the budget document, Federal spending, should tell the story of the American people and their priorities.

And, Mr. Speaker, I think if you were to ask any of our constituents, what are those priorities, what should government do? They will tell you, defend our Nation; keep us free; make certain that we are secure; keep the emphasis on our families; keep the emphasis on our communities; make certain that we are safe, that we are free, that we have the opportunity to seek the American Dream. And as many of us would say, keep that focus on faith, family, freedom, hope and opportunity.

That is what we should do as we keep our focus on the American Taxpayer Bill of Rights.

We have been joined by the gentleman from California (Mr. CAMPBELL), who chairs our Budget Committee. And I am going to ask him to provide our closing remarks as we finish our debate this evening on the Taxpayer Bill of Rights, and at this time I yield to the gentleman from California.

Mr. CAMPBELL. I thank the lady from Tennessee, Mrs. BLACKBURN, for yielding and all of your great, great hard work on this and all kinds of other issues on behalf of the taxpayers, because that is what this is about, Mr. Speaker, this is about the taxpayers, American Taxpayers Bill of Rights. It is about American taxpayers having in law rights that they should have by right.

You know, Congressman RYAN from Wisconsin today said, and I am going to paraphrase some of what he said, that Congress should have constraints so that the people can have more freedom.

If you look at what has happened here, in 34 out of the last 38 years, this Congress has spent more money than it took in. It ran a deficit 34 out of the last 38 years. This year will be another one. That will be 35 out of 39 years. Clearly something is structurally wrong.

What the American Taxpayers' Bill of Rights will do is put some structure and make this structurally right. Let's just run through one more time what those four rights are that are going to restore fiscal responsibility here in Washington, the fiscal responsibility that the people watching at home already have.

First of all, you have the right to know that your government will not spend money faster than your ability to pay for it. What does that mean? Well, Mr. Speaker, that means that if taxpayers' incomes go up by 3 percent in a given year and the government's spending goes up by 7, you won't be able to pay for it. If you get a 3 percent raise and the government spends 7 percent more money, the only thing they can do is increase taxes so much that they take 100 percent of that raise and then some. So the government gets to spend more while you hardworking taxpayers at home actually have less money to spend.

That is unsustainable. That can't continue. And so we propose that there be a limit on the spending of government, that from year to year it can't increase spending faster than your income increases.

Second, you have the right to know when you pay taxes for Social Security that they are used for Social Security. That doesn't seem like that strange a concept. Your Social Security taxes are supposed to go to Social Security. When you pay for a driver's license at the DMV, that is supposed to go to provide your driver's license. When you pay a fee on a boat or something, that is supposed to go for boating. It makes sense that when you pay a tax for something it goes for that. But that isn't what has been happening with Social Security. Those taxes have been lumped in with everything else and used for whatever, and that is just wrong. So it should be used only for Social Security.

Third, you have the right to a Tax Code that you can understand and that is fair and that is simple. Now, I am actually a CPA, Mr. Speaker, and I have a Master's in taxation. I used to prepare tax returns for a living, that is because it is not an easy thing to do, but it should be. So what we have proposed is that the Tax Code, the current labyrinth, this Byzantine Tax Code that we have, these sunset; that means it ends, it quits, we repeal it as of January 3, 2011. That would give us 4 years, Mr. Speaker, if you include this year, in which to come up with an alternative, an alternative that is fair and simple and understandable.

You know, taxes are supposed to raise the necessary revenue to fund the government's necessary operations with the least interference with commerce. I think you could argue that the Tax Code that we have today raises more revenue than what the government needs to do, what the government should do—not what it is doing, but what it should do—but it does it with a tremendous interference with commerce. So we would propose to sunset the Tax Code.

And the fourth right in the American Taxpayers' Bill of Rights is the right to have a government that balances its budget the way that people at home balance their budgets every year.

Now, as I started out in this comment, 34 of the last 38 years, this government has been unable to balance its books. Can you imagine if people at home, average American taxpayers, went 34 out of 38 years spending more money that you had, spending more money than your income? You wouldn't have lasted very long, and the government shouldn't have lasted very long either. So we propose a constitutional amendment to balance the budget and to provide that you can't raise taxes without a two-thirds vote of this body and of the Senate.

Now, a lot of people out here talk balanced budgets. I bet if you asked the 435 Members of Congress if they were in favor of a balanced budget, that 435 people would say, ''yes,'' they are. Well, that is great because we have had statutory balanced budgets, we have this scheme today that the majority party has put, called PAYGO, which is a complete sham, but it is supposed to be an argument that it is somehow a balanced budget. Well, you know what? If we really want a balanced budget, a constitutional amendment requiring a balanced budget will absolutely do it.

So now let's ask those 435 Members of this body, okay, you say you want a balanced budget. Well, then you ought to support a constitutional amendment to do it because that is the way it will really get done.

Four rights, four simple rights in the American Taxpayers' Bill of Rights that, put together and enacted into law and the Constitution, will put the constraints around Congress to keep spending under control so that the freedom of the taxpayers is enhanced.

I yield back to the lady from Tennessee.

Mrs. BLACKBURN. I thank the gentleman from California and for his work in chairing our Budget Committee in the Republican Study Committee. And again, house.gov/Hensarling/rsc. E-mail us at rsc@mail.house.gov.

And it looks like the final word we can slip in here is the gentleman from New Jersey (Mr. GARRETT), who is a member of the Budget Committee and continues to work on fiscal issues for the betterment of this great Nation and of our American families.

I yield to the gentleman.

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Mr. GARRETT of New Jersey. Mr. Speaker, I appreciate that, and I will leave the final word to the gentlewoman.

I just wanted to come to the floor to commend your work here today and the press conference that we had earlier today and the work of the RSC on this matter.

As was indicated earlier, the soothsayer said to Julius Caesar ''Beware the Ides of March.'' And that is exactly where we are right now, the center of March. A time of doom, a bad omen in many ways. And it is a bad omen for many Americans because many Americans across this country right now are sitting at their kitchen tables or their dining room tables getting all their paperwork together to do their taxes. Actually, I don't know how many Americans still do their own taxes. Many people actually pay now to send it out to some of these accountants out there, that you were referencing before, to do them, because it has gotten just so complicated. It has gotten just so incomprehensible.

Earlier today we saw the little stacks of books of the regulations and the Code that is made up of the incomprehensible regulations. And that is why Americans can't understand the entire Code. And for that matter, and I raised this question earlier, I think it would be interesting if someone did a survey of all the Members of the Congress and the Senate, 535 Members of the House and Senate. These are the people who actually made that Tax Code. How many of them actually do their own taxes anymore? I don't do it anymore because, quite honestly, I find it incomprehensible, as well, and I send it off to an expert.

The initiative that we are all pushing here tonight is to say that it has gone far too long to have an incomprehensible Tax Code. We can't be sure that we are paying a fair amount if we don't

know what we are filling out. So what we are doing here is not only citing the problem, but setting the road to recovery of that problem as well by coming up with a comprehensible system of paying our taxes.

While that is incomprehensible, how you fill out your taxes, what is not incomprehensible is the fact that we have been paying and spending far too much in the Federal Government for far too long. The American family realizes that they have to live within their means, that they have only so much of a paycheck each week and they have to make sure that that goes as far as their expenses, and they can't spend any more than that.

The Federal Government, as we know, does that every day, spends far more than they take in. That is what the American public doesn't understand. If the American public has to live within their means, why doesn't the Federal Government have to do so? The initiative that we are talking about here would say, balance our budget, be just like American families at home, and live within our means.

The final point is this: We have talked in the past, also on this floor, with regard to ethics, and I may be wrong but I think it was in an article in The Washington Post that said, why are we exceeding our spending and why do we have these ethical problems on K Street and the like? And one of the reasons they said, and this references the point that the gentleman from Iowa said before, is because we exceed our constitutional authority, as Mr. KING was pointing out; that we spend in areas that the Constitution never permitted us to do in the first place.

The Washington Post article made the same reference. If we live within our means, live within the constitutional boundaries, we would meet the objectives of the American family.

I see by the clock on the wall we are coming to the end of the time. And I appreciate the gentlewoman's work in this area.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from New Jersey and I thank all of my colleagues for joining me.

The American Taxpayer Bill of Rights, this is something we are pushing forward to the forefront. Over the past 60 years an enormous bureaucracy has been built. Our Democrat friends continue to want to feed that bureaucracy. We say, it is time for the spending, it is time for the increased taxing, to stop. They had power for 2 days when they raised your spending. They had power for 2 weeks when they raised your taxes. The American taxpayer deserves a break.

House.gov/hensarling/rsc, the fiscally responsible Republican Study Committee has proposed the American Taxpayer Bill of Rights.

OVERSIGHT AND ACCOUNTABILITY IN GOVERNMENT

The SPEAKER pro tempore (Mr. PERLMUTTER). Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Ohio (Ms. SUTTON) is recognized for 60 minutes.

Ms. SUTTON. Mr. Speaker, it is my honor to be here today with some of the other Members who were newly elected just a few months ago. And, boy, it was a few months ago, but we have been making strides. And we are here to report to the American people the steps that we have taken to increase the oversight and accountability of this government.

I am sure that, like many of my colleagues who were elected, one of the reasons I am here, I came to Congress to clean up the culture of corruption that had so flourished under the Republican leadership in previous Congresses. And to that end, on the very first day that I was here, it was my honor to proudly cast a vote to end an era of corruption in this Capitol and to begin to change the way this Congress is doing business. To make it such that this Congress begins to enact policies that benefit the American people rather than just the special interests and the privileged few.

We took aim at the corruption and the abuses because it was a necessary prerequisite to creating policies that benefit all Americans. And people were tired. People were tired back in Ohio.

I have the privilege to represent people who are the salt of the Earth. But we saw both at the State level and the Federal level scandal after scandal. Scandals of public officials being bought off by special interests, public officials abusing power, and Republican leadership and officials neglecting to provide oversight.

Democrats, in the very first hours of this new Congress, they severed the links between those who would buy influence on Capitol Hill and those who would, unfortunately, willingly sell it and create and facilitate this culture of corruption that the American people have had to suffer under. We acted to clean up that corruption that eroded the public trust and resulted in far too many policies, as I said, that just benefited the few at the expense of the many.

We have begun and we have continued to restore oversight and accountability since that first day in our government through hearings and greater transparency, through initiatives that we have enacted and we continue to enact. And this strong congressional oversight in the 110th Congress has dramatically reversed years of neglect of the constitutional role of the Congress in providing oversight of Federal activities.

The American people have had enough. They have suffered enough from the lack of oversight. And I am so happy to be here with my new colleagues in this role to clean it up.

Just to name a couple of things, and then I am going to pass it off to some of my freshmen colleagues, but if we just go through a list and you can pick up on any of these subjects because, sadly, there are so many areas where the past Congress had been delinquent, and we have already had to move to act.

The war in Iraq, between the House and the Senate since we took the leadership in this body, since we became the majority under the leadership of Speaker NANCY PELOSI, there have been more than 97 oversight hearings that have looked into the conduct of the Iraq War. And certainly that was something that the American people made loud and clear, when they elected this new majority, that they desired.

And, sadly, in the wake of revelations of inadequate care and conditions for wounded soldiers at Walter Reed Army Medical Center, both the House and the Senate have launched investigations and hearings into those matters.

We are also looking at the political ramifications of actions taken with U.S. attorneys and the linkage of improper phone calls from Republican Members of Congress and senior staff that forced resignations of those U.S. attorneys.

The Hurricane Katrina response, we heard a lot right after the hurricane, after we saw the tragedy, not just the natural tragedy, but the tragedy in the lack of response of this government; and we heard a lot about how we were going to take that seriously from the last Congress. And now, because they didn't do that, we have been called upon and we have answered and House committees are looking into the housing and health care crisis that persists after that bungled response to the gulf coast disaster.

And we are also looking at and addressing the many aspects of the climate crisis and our dependence on nonrenewable fuels from foreign sources. Investigations, hearings, initiatives that are long overdue. And, of course, there are many, many upcoming hearings.

And at this point what I would like to do is, I would like to yield to my friend from Minnesota, Representative ELLISON, to hear what you think about some of these things that we have been doing in this new Congress.

Mr. ELLISON. Congresswoman SUTTON, it is a great honor to be here with you tonight together with our other colleagues in the freshman class who will be speaking in just a moment because I think it is important that the American people know that the freshman members of the Democratic Caucus came to this Congress, not to occupy space, not to warm a seat, but to create positive change for the American people, to project a vision, a vision of inclusion, of a generosity of fairness, a vision that says that this economy should be one where everybody can be successful.

This government should be one where everyone has access, not just lobbyists

and the privileged few, a system of government that people can feel proud of and not have to be worried that privileged individuals might be lining their pockets at the expense of the American people.

We came here on November 7. We were elected here by the American people because the American people, the finest people, have the right to feel good about their government, not cynical, not despondent, not despairing, but good and positive, who would say, Do you know what? I trust my government. I feel that my government is doing the right thing. We can do no less than to take up that charge.

We have to say the American people have a right to feel that their government is operating for the public good and in their best interests. And to that end, I am proud to be associated with this Democratic majority that from the very beginning began to signal change with the 100 hours program. The 100 hours program is not all that we are going to do, but, Mr. Speaker, we had to tell the American people that we are about business from the very beginning. We had to signal change from the very beginning.

We had to let them know that we care about the affordability of a college education by cutting student loan interest rates; we care about our seniors by making sure that we get a prescription drug benefit that actually helps our seniors by allowing Medicare to negotiate.

We did a 100 hours program that said, we are going to raise the minimum wage; we are going to stop the oil and gas subsidies and put the money into renewable energy. We had to signal change.

That is not all we are going to do. We are just getting started. But we had to do something soon, something quick, something early, in the very beginning, so that the American people will know that we are putting money on the table. This is an earnest commitment to the American people to do real government, real change that they can feel good about.

So what I want to talk about very briefly tonight is how important it is and how happy I am that the Democratic Congress has taken steps regarding this scandal about the U.S. attorneys. The United States attorneys are members of our government under the executive branch whose job it is to do good, to promote justice. They are ministers of justice. They are not just lawyers who are entitled to advocate for their clients. Their job is higher. Their job is to do the right thing. Neither fear nor favor should influence them. Neither concern about their job nor worry about who is not going to like it should influence their behavior. They should enforce the law and protect the American people.

So when it came to light that U.S. attorneys that had had good recommendations, eight of them, were summarily fired with no explanation, and then when the explanations did come, their reputations were besmirched—they said that they were not good workers, that they were not good employees of the State, not carrying out an excellent mission for the people of the districts that they were charged to represent—I think people started getting a little nervous. Wait a minute. Why besmirch these people? Why put them down? What have they done that was wrong?

And what we began to find as the common thread between these U.S. attorneys is that these individuals, though Republican appointees, took their charge to promote respect for law and took their charge to protect the American people seriously. And some of them prosecuted corruption cases, and that brought them into disfavor with the administration.

□ 2045

As the facts just keep on leaking out, they don't look good. They don't look good. It appears, it appears that political decisions were brought to bear in this scandal with regard to the U.S. Attorneys. In fact, one of the U.S. Attorneys was one of the people who prosecuted Mr. Duke Cunningham, and somehow ended up getting fired. My goodness. Don't we want to get rid of corruption in government? Don't we want a clean government? Why would you bring the hammer on somebody who did that, unless you didn't necessarily want the even hand of the law to be applied, you wanted it to be tilted one way or another. Justice must be blind, Mr. Speaker.

Then what else did we see? One of the calls that was made from as high as the White House was that these folks are not going after immigration cases or going after voter fraud cases enough. Wait a minute. Doesn't the prosecutor make decisions? Isn't prosecutorial discretion a hallmark of our legal system? Wait a minute. These people are charged with protecting us from drug dealers, killers, bank robbers and people who commit acts of terrorism.

These people are charged with protecting us from defrauders, stealers, thieves, embezzlers, and yet somebody on a political basis is trying to force them to focus in one area or another? They have finite resources to prosecute the cases and protect the people. They have to make a determination as to what is most important to protect our seniors from identity thieves, to protect our neighborhoods from drug dealers and meth makers. And yet they were put under scrutiny and fired, it appears, and the evidence is still coming in, because they wouldn't play ball with people in the administration.

This is scary business. This is not a good thing. And it goes to the very heart of restoring accountability to Washington. It goes to the very soul of whether we have a fair justice system and whether justice is blind.

Mr. Speaker, I am very concerned about that, and I want to urge the American people to continue to insist that all the facts come out. We have to know. Justice must be served, and it must be served with these U.S. Attorneys, because if the people whose job it is, the ministers of justice, cannot be comfortable in doing their work, then what can the rest of us who need their services expect?

Let me just make one point, and this has to do with the questions around the prosecution of Mr. Scooter Libby. He was found guilty of four out of five counts just last week, and we hear there are linkages to the Vice President. We hear many people are calling him a ''fall guy,'' signaling there may be more people involved.

I think that it is very important that if we are going to insist upon accountability in Washington, that there be no pardons. I am very concerned that there could be a pardon in this situation that would render him not willing to tell all that he knows.

We need to know how bad this thing is. In the U.S. Attorney issue we found out it was Harriet Miers, the very person the President wanted to be on the United States Supreme Court, who said fire them all.

It is very important we get to the bottom of this, because, as I started with, the American people have every right to know what their government is doing and to trust in and feel good about their government. It is not a question of public relations, it is a matter of substance.

So I will yield back to my colleague, Congresswoman BETTY SUTTON, who has been leading us in so many excellent ways, who has been doing such a fine job, and with whom I am so honored to be associated in this Congress. We have other excellent Members joining us tonight and they are going to tell the story. I just want to say I am proud to be associated with these majority makers, these difference makers, these people who believe that the American people have a right to believe in their government, and the only way to do it is to restore accountability to Washington.

Ms. SUTTON. Mr. Speaker, I thank the distinguished gentleman from Minnesota, and I thank him for his service on the Judiciary Committee. I think it is with heartfelt appreciation, not only on behalf of myself, but on behalf of the people that I represent, that I am grateful that you sit on the Judiciary Committee, where you are going to provide the oversight and the accountability on the issues that you brought forward here tonight.

You are right, that there is nothing more important than restoring the trust of the people we represent in this government. And it is not the end in and of itself, but it is essential, to both the substance and the spirit of what we do. The corruption has hurt the American people in so many ways. So this oversight and accountability is sorely needed, long overdue.

With that, I would like to recognize another distinguished gentleman from

the State of Minnesota who we are honored to have join us this evening, a new Member of Congress, somebody who came here to change the direction of this country, to take us in a new and positive, honest direction, Mr. TIM WALZ. What do you think about all this?

Mr. WALZ of Minnesota. First of all, I thank the gentlewoman. I thank you for your leadership. I thank you for your optimism. I thank you for your service to our country and all of our colleagues here.

Every time we come and stand on this floor, it is an overwhelming feeling. It is an overwhelming sense of the greatness of this Nation, as well as the responsibility that goes with standing here. Each and every one of us represents over 600,000 Americans. Their hopes and dreams rest on what we do in this building. This is the most serious task we can ever undertake.

As we talk about restoring accountability and restoring trust, nothing is more important. Nothing shapes this Nation more than what we do here. And as we reflect the great values that have made America the country that it is, we need to make sure that it is being done in the way that the Americans want it to be done. They don't care about the partisan ideology. What they care about is results.

I hear a lot of talk that actions are what matter. I watched for the last hour as our friends talked about a very important subject across the aisle before we came on. They talked about fiscal responsibility. They are absolutely right, that is something that must be restored. This Nation's hopes and dreams and the investments we make in our children and grandchildren are going to be largely determined by how we handle the fiscal responsibility put on us.

The only thing I find curious about the discussion is that our friends are so convinced that nothing works in here they seem to have forgotten to mention that they have been the majority party for 12 years. They seem to have forgotten to mention that they had the executive branch for the last 6 years and both branches of Congress.

During that time, we saw record surpluses turn into record deficits. We now have a $9 trillion national debt. We have seen the largest growth in government in a generation. And we have seen services provided to the people shrink and fees increase.

So I guess, coming from a high school classroom, sometimes I said it is always very important, those actions matter. Everyone wants to do well and everybody wants to talk about it, but what happens in here truly matters.

We have seen the culture of corruption. What I call it is the permanent vacation that Congress was on. Most people realize that the past Congress worked the fewest number of days since the do-nothing Congress of 1948. While we were passing the 100-hour agenda and the things you heard from our friend from Minnesota, all of the things that we accomplished, the previous Congress met for one day in January of 2006.

There is a stark contrast here. You are absolutely right. We were sent to this floor to do the people's bidding, not in a partisan manner but in a way that was open, accountable, transparent and actually got the results that we were looking for.

I wanted the opportunity tonight to come here and illustrate a couple of things how we are doing business differently, how things have changed in Congress and how these things are tangible, and I am going to bring a couple of these that are very near and dear to my heart.

One is about a project back in my district, if I could, Congresswoman, illustrate this just for the people. I will give a little background on it. Because this project had the potential to be the single largest taxpayer loan to a private entity in the history of this Nation, and most people, even in my district, until it was brought to light, knew almost nothing about it.

There was a railroad that came from outside the State of Minnesota that was planning on doing that was very important, building rail infrastructure. All of us agree in southern Minnesota that it is needed. We need to move our commodities to market, we have a burgeoning ethanol industry that needs to move our product, and we also have the need to move coal and other commodities on this railroad.

Well, this railroad tried for nearly a decade to try and secure private financing for this project. It failed to do so. Late in 2005, a program to give loans to railroads all of a sudden found an extra $32 billion in this program. It was written in by a Senator in the middle of the night in conference committee with specific parameters that would only apply to this railroad to get this loan.

This was done in the dark of night. The finances were kept private and out of the public eye, and the decision was going to be made after that conference committee by a set of appointed officials at the Department of Transportation.

Now, that in itself is bad enough in the culture of corruption. But it gets worse. Nine months prior to that Senator writing that in there, that Senator was a paid lobbyist, and as hard as it is to believe, for that very railroad. He is elected to the Senate and he puts this in here.

No one is doubting that we need rail. What this situation did and what it illustrated perfectly was when government is done badly, no matter what the intention was, it starts a domino effect of distrust and bad decisions.

This railroad was going to increase rail traffic up to 36 coal trains a day possibly, one mile long, and it was going to run by the single largest private employer already in my district, 210 feet away. That private employer was the world famous Mayo Clinic. Decisions were not allowed for mitigation, decisions were not allowed to make sure the impact and the safety of the thousands of patients that traveled were addressed. This was a case of special interest and their lobbying friends allowing something to happen that the people of the district had very little say in.

I was told all along, it is the railroad and it is the way it is. There is nothing you can do. They are going to be approved for the loan and they are going to start building.

My question was that I refused to believe that this body would allow that to happen. I refused to believe that the public's elected official for their district would not have the opportunity to see the financial situation of the railroad, as well as the safety, which, by the way, ranked 43 out of 44 in safety, with one being the best.

So upon coming to Congress in January, working bipartisanly across the aisle with our friends, I put forward a bill that would ask that this be evaluated for credit, that this be looked at and see what the finances were, and see if the American people's money was being put at risk.

To put this into context, when Chrysler needed to receive a government loan to stay afloat in the early 1980s, this loan was over twice as big than that. That loan for Chrysler was debated for 3 weeks on the floor openly before it was finally voted on and strict requirements for its payback put into place.

Well, I am happy to say that the Federal Railroad Administration and the Department of Transportation looked at those finances again and determined that this was not creditworthy and was not worthy of a risk to the American taxpayers.

Now, to ensure that this never happens again, we have taken it one step further and passed a bill that Congress must cosign. If we ever try and do this again with $1 billion or more of taxpayer money on a Department of Transportation loan, it is going to come in front of this body and we are going to get a vote and we are going to ask the questions. Is there a need for public investment into our infrastructure? Absolutely. Is there a need for expanded rail travel? Absolutely. Is there a right of private business to come to the government looking for some help so that they can build that infrastructure and profit? Absolutely. But it must be done in the light of day. It must be done with the approval of the American people's elected representative so that they can have the ability to decide if it was right or if it was wrong, and they will decide that in the way they vote in 2 years.

So, within 2 months, this Congress is starting to take those responsibilities. They are starting to ask those questions and we are starting to see progress. I can absolutely assure you, and I may never be able to prove this,

but I had to think had there not been a change to Congress, had there not been a new focus on trust and accountability and a new way of doing business, we maybe would have never seen the light of day on this.

So the people are served well, we have the people's interests at heart, and now we can move forward with a much more responsible plan.

So I applaud the Congresswoman for bringing us together. I know we each have several more opportunities to illustrate these. But I hope this one shows the American people, this is not a partisan issue. This is common sense. This is right and wrong. And I applaud those Members on the other side of the aisle that came to us and said, you are absolutely right, this is the way it should be done.

I yield back to the gentlewoman.

Ms. SUTTON. I thank the distinguished gentleman from Minnesota, and I thank you for your leadership, and for that example of how public policy can work for the people, that it doesn't have to be the way that it has been. You point out an important point.

□ 2100

In the first 100 hours, when we took steps to clean up some of the unfortunate practices that have happened in the past and to change some of the resulting policies or the failure to enact some good policies, when we actually brought those measures to the floor under this new Democratic leadership, we did enjoy broad bipartisan support for many of those measures.

This is not just a Democratic agenda, this is about the people's agenda. That is what this House is about. I am glad, with the leadership we have, we are now getting the people's agenda on this floor so that people from both parties have the chance to deliver the kind of public policy that will help the people they are sent here to serve.

At this point, I would like to yield to a new Member in this Congress, a tremendous leader, a woman who has shown unwavering dedication and commitment to the people she was sent here to serve, Representative SHEA-PORTER from the State of New Hampshire.

Ms. SHEA-PORTER. Mr. Speaker, I was interested in hearing from Members on the other side speak about the money we needed to save and the debt we have, because it was the Republican administration that drove us into the greatest deficits in history. Indeed, they are the reason I am standing here today.

I am a social worker by profession, and for years I noticed things were getting worse and worse for the middle class. I kept saying the middle class is stumbling and the poor have fallen, because while the very wealthy were enjoying the tax breaks, thanks to this administration, the middle class was trying to figure out if they had enough money to go to the movies on Friday night and have money for pizza. Indeed, this is the first time we have seen this great, great difference in the rich and the poor since the time of the Titanic. Wages have been flat for several years now.

The American public understands this. This is not a Republican issue, it is not a Democratic issue, it is an issue about protecting the middle class, building the middle class, and bringing the poor so we do not have a permanent underclass in this country. The way to do that is to make sure we have a fair tax system, and we have to have accountability and oversight to make sure that we do.

We know that the tax breaks have gone to the top 1 percent for too long. So this drove me to Congress, looking at this; and the final, final nail in the coffin was looking at what happened after Hurricane Katrina because even if the administration could not find it in their hearts to take care of the people of Katrina, where was the homeland security?

When you look at Louisiana, you realize there is a port there. Gas and oil are there. Our food, our grains come there. Seventy percent of the grain passes through there. Certainly that is a vulnerable area. We heard that we were spending all of this money for homeland security and for programs to protect the American people. But when Hurricane Katrina hit, the American Government was missing in action with the exception of our military, and I give them great credit for what they did.

I know this because I went there not once, but twice. It was very frightening to see that the Federal Government was missing in action. And then the extra insult of having to listen on television while they were praising each other for the good job they did. They didn't bring the resources to the American people. They didn't have the money to bring the resources to the American people.

Where is the money? That is why we are here in Washington, to find out where is the money for the programs that the American people need, that we must have to protect us.

I looked at Iraq. I went there a couple of weeks ago. I looked at the contractors there personally. There are more than 100,000 contractors in Iraq for 133,000 soldiers; some more now, we had over 100,000 contractors.

The American public knows this word so well, Halliburton. The American people understand what has happened to the money. Every child born today has a birth tax of about $29,000. Think about that. We went from a budget surplus to the greatest deficit in history, borrowing money from Communist China along the way to pay our bills, which is a security risk that all Americans understand, and every child born today owes about $29,000 before he or she draws their first breath. This is an outrage, and we need to turn this around.

Like the rest of my freshman class, this propelled me to run. I had never even run for office in elementary school or high school. I was a social worker. I taught politics. Yes, I got involved in politics, but never envisioned myself here. And it is a tremendous honor to be on the floor and to be able to protect and speak up for the American people.

But we have an obligation to, first of all, provide programs that lift the poor and the middle class, to make sure that the wealthy pay their fair share; and we have an obligation to be fiscally conservative, and we can do that by good fiscal oversight and accountability. That has been missing for many years.

We are having more hearings now looking at various aspects. I serve on the Armed Services Committee. It was a shock to me to find out that we did not have the equipment we need and that the soldiers were suffering so.

Again, we can talk about Walter Reed. We had a week last week about that. Who could leave a soldier in rooms that had mold? Who could leave soldiers unattended and untreated? If we are going to honor our soldiers, we need to honor our commitments to the soldiers, and it is not right to say if we can afford to. When we put them into battle, we make sure that our commitment will be to care for them. Once they say they are going to serve us, it is our obligation to serve them.

It is truly an honor to be here and to be able to be working for the people of my own State, New Hampshire, and the people of this country. It is an honor to be here with such wonderful colleagues who are driven by one motive, and that is service and patriotism.

We were campaigning over a year or 2 years. We heard the message loud and clear from the middle class that they needed protection. They needed protection from policies and this administration that protected the wealthy and harmed the middle class. They wanted their children to be able to afford college again because that changed. They wanted their children to have the opportunities that they had growing up.

Even rents have gotten so high and with wages so flat, adult children have to come home to live with their parents. This is not the American way. The American way is to be fiscally responsible and to make sure that opportunities are available for all.

I think we have a terrific class with wonderful leadership. Speaker PELOSI certainly understands the direction this country needs to go in. We will do the job that the American people sent us here to do.

Ms. SUTTON. I thank the distinguished gentlewoman from New Hampshire, and I appreciate your service, as do the people I represent, and your leadership.

You bring up so many important points. The bad news is that so much has gone wrong in the past due to the failure of proper oversight and accountability. The good news is that, as

you point out, we heard the call of the American people for more. We know what the expectations are, and we know what our responsibility is. And every day I am honored to come here with you to serve, and knowing that that is why we are here in the people's House, to help make those course corrections that will take this country in a new direction.

It is so important to be here tonight to talk about that oversight and accountability because it is essential if we are to make those course corrections, whether it be one of the points you make about the growing income and inequality, which is at record levels. We are losing the middle class. There are many, many things that we can do and we have already done, and we have talked about some of them today in the opening hours of Congress when we increased the minimum wage, when we made college education more accessible and more affordable, when we expanded research and development into alternative fuels which will provide us not only with a way to deal with an environmental imperative, but also as a security issue we have to address that, and our dependence on foreign oil.

Also, it provides us with opportunity for jobs today and tomorrow for the people out there because one of the other ways that Congress can show its oversight and accountability commitment, and I expect that we will because we heard a lot about this on the campaign trail from the American people, is on the issue of trade because we are losing jobs and our trade policies are not working for the American people and American businesses in the way that they should.

So I am confident that one of the things that we are going to do is exercise our constitutional responsibility to deal with trade and make sure whatever trade model we have—and we are for trade, and I hope to get to the day in the early days of this coming Congress, or later on in this Congress, that we can vote for a trade policy that will truly lift up American workers as well as workers abroad, and that we will be able to vote for a trade policy that has environmental standards that benefit America and this world.

There are so many options that we can do. There are so many things that we can do. We can have a trade policy with enforceability to stop the unfair manipulation and unfair trade practices. These are all matters of accountability and oversight, and this Congress I know is committed to producing that.

Now I want to again yield to my good friend, the gentleman from Minnesota, because another point that the distinguished gentlewoman from New Hampshire brought up was the issue of our veterans and what we are doing and not doing to serve our veterans who have served us so nobly.

So I yield to Representative WALZ who has some charts that he is going to share with the American people.

Mr. WALZ of Minnesota. Mr. Speaker, I think it is important to illustrate to the American people exactly what we are talking about when accountability and oversight fail. There are ramifications. Some may go unnoticed; others are absolutely horrific.

In the past several weeks, we have seen one of those examples. And the sad part is most people were not surprised. Most people have looked at this issue.

I want to talk about accountability and oversight. This Congress and our leadership are making sure we get our job done here. They are working us 5 days a week most weeks. My constituents back home, they don't have a lot of sympathy when they hear we are working Monday through Friday in the Capitol. That is what we were elected to do. That is what we were hired to do in their name.

I hear my friends on the other side of the aisle talk about, what do we have to do the whole time we are here? We are not voting the whole time, and the answer is, do our job providing oversight and accountability. Keep in mind, the entire last Congress had 30 oversight hearings. In the first 8 weeks, we have had 100.

Getting the job done for the American people means acting as a coequal branch in the responsibility of being fiscally responsible with their money, putting policy forward that benefits everyone, and making sure that the follow through is done on that.

I want to mention something as it pertains to our veterans and let people understand where this starts exactly. Make no mistake about budgets, budgets are far more than accounting. We hear our friends on the other side of the aisle talk about accounting and putting money in Americans' pockets. They talk about they have never met anyone who did their own taxes.

Well, I came to this Congress straight from the public school classroom, never having run for elected office before. I was teaching high school geography a few months ago. I can tell them on a high school teacher's salary, I was doing my own taxes.

And when they talk about a budget in terms of only being what is left in the pocket, they forget that budgets are moral documents. They are a reflection of our national values. How we prioritize those values is an absolute reflection of what we believe is most important in this Nation.

Now, I also come to you not just as a teacher but as a 24-year veteran of our armed services and our Army National Guard. I think the highest distinction that I could ever claim—at this time, I am the highest ranking enlisted soldier or servicemember that has ever served in this exalted body; it is something that I am very proud of.

Those people who know something about the military, I retired as a command sergeant major. The command sergeant major has one responsibility: Take care of the troops. Nothing else. That means feed them, clothe them, pay them, make sure their health is taken care of, and train them to complete their mission. That's what you need to do.

Well, I am now a member of the Veterans Affairs Subcommittee on Oversight and Investigation, and what has happened at Walter Reed and what is going to happen again is not an anomaly. It was a decision. It was a decision that resulted from a failure in leadership and a bigger failure in accountability and oversight. And the saddest part about this is, the saddest, most tragic part about this was, it was totally avoidable.

Our veterans' service organizations, from the DAV to the Paralyzed American Veterans, to the Blind Veterans of America, to the Legion, all of these organizations understood what was coming.

□ 2115

I would like to just talk a little bit about, and illustrate, how the budget impacted what happened and how the lack of leadership and the lack of accountability led to that.

The chart I have up here is showing this is the VA treating many more Iraq and Afghanistan war veterans. Every soldier who serves in these wars will, one day, be a veteran. Now, it does not come as a surprise to most Americans, since 2003, when the war started in Iraq, we have seen a steady increase in the number of soldiers that are going to be treated. Seems pretty logical. Most people anticipated that was going to come.

The number of VA health care patients in general continued to rise. We have an aging generation from our World War II veterans to our Korean War veterans to our Vietnam veterans. They are continuing to rise at a steady rate. Every single veteran service organization predicted this. Every single person involved with this predicted this.

Now, we are finding out we have not had enough money. We have not correctly planned ahead to take care of the warrior after the war. When you choose to fight a war, and make no mistake about it, Iraq was a choice, you understand you accept full responsibility for those warriors, not for the time that they are there, not for the time they are treated in a facility like Walter Reed, but for the rest of their life.

In falling short on this, here is how we are going to make up for it. If you will look at our copy here, enrollment fees, pharmacy copayments and third party copayments. This says up here, the President's budget increases fees on veterans. Make no mistake about the language. This is the President's tax on warriors, period.

So we saw a situation, increasing number of veterans coming back, budgets that were grossly underestimating the number, that we would need to try and spend the money elsewhere or

maybe put the money back in somebody's pocket. When I go to my district, and I ask them the question, do you want a few more dollars in your pocket or do you want to make sure that warrior has a room that shows the dignity that this Nation should provide, and every single one of them will go with the veteran.

We must have an open debate in this Congress about accountability, where is this money going to go, where is this money going to come from, and I want Members who agree with this, that this is the way we should do it, to stand in front of the mother from Saginaw, Michigan, who was at the VA hospital in Minneapolis, treating her son with a traumatic brain injury, and tell her she better get the checkbook out and write it out and pay for this because that is exactly what has happened here.

When this Congress chose to not hold hearings, to not hold oversight, and to not ask the hard questions, they created the situation at Walter Reed. They created the coming situation on our VA system, and this new Congress has accepted the responsibility and I, as a command sergeant major, retired, stand here and say my responsibility was to take care of those soldiers in my unit. My responsibility now is to take care of all of them.

I have absolute confidence in my colleagues that they will provide exactly that. That is what accountability means. That is what oversight means. It is not a gimmick to get reelected. It is not cute words, and for those that say it is hogwash and pay-as-you-go does not matter, I tell them this is what matters. Decide how we take care of our veterans and let us do it the way this Nation knows it should.

I know we have a few more things to go over, but this illustration is one that impassions all of us. It is one that did not need to happen, but it is one that I am optimistic holds the silver lining of uniting this Nation over an issue we all care about and getting real results.

Ms. SUTTON. Mr. Speaker, I thank the distinguished gentleman, and we thank you for your service both in the Congress and in our military.

At this point, I yield to another distinguished colleague who has joined us on the floor who is a fantastic new Member of the Congress, who has shown great leadership on many issues, Dr. STEVE KAGEN, a representative from Wisconsin.

Mr. KAGEN. Mr. Speaker, thank you and I thank as well TIM for being not just a classmate in this great class of 2006 but also for serving the country and speaking out so eloquently and forcefully. You do not have to work out later like I do. You just had your workout.

But you bring up something that is terribly important. These are not just words or phrases. The boards are accountability, responsibility. This is something that you know from living your life as you have that we must do not just here in Congress but in our everyday lives as citizens.

I am sure you would much rather be home teaching and serving your country as you were, but you were called to a higher duty. You were called to come here, and it was meant to happen.

I would like to mention a few things about values. I believe that the President has put forward a budget that is a reflection of his values and his party's values. Where you spend your money is a reflection of your values, and the President sought to cut $3.8 billion from veterans health care and veterans benefits. The President and this administration was asking our veterans who have already earned their benefits to pay for them again. Why pay for something you have already earned? This is something that I consider to be disrespectful to those who have served in harm's way.

We will be talking about Iraq in several days and several weeks here on floor. We will be talking about supporting our troops, not just before they go in with adequate training and preparation and all the armament they need, not just during the combat itself, but after they come home, they must receive the care that they deserve in a prompt and meaningful fashion.

I served our veterans for a number of years in VA hospitals in Wisconsin and Illinois, and I can tell you the VA hospitals are superior, much better today than they were in the 1970s and 1980s and early 1990s when I was working there. They are much better than what we saw in Walter Reed, much better, but what happened at Walter Reed was this infection, if you will, this malfeasance, this bad idea, that government cannot help people. It is called privatization.

We should not privatize the health care of our veterans unless you are going to offer every veteran who served in harm's way with a card and say, here you go, soldier, you served in harm's way, you covered our back, now we have got yours; go to any doctor, any pharmacy, any hospital of your choice, we have got you covered.

Well, we are not ready to do that yet, are we? This administration has to come to understand there is a better way. Our class of 2006 represents America's hope, hope for a positive change and new direction, not just in veterans health care but in health care for every citizen in this country. I believe that is what we have to offer.

Ms. SUTTON. I thank the distinguished gentleman and both of you, the gentleman from Minnesota as well, who point out so eloquently the responsibility that we have when we put forth a budget.

I am honored as a freshman Member of this Congress to have the honor to serve on the Budget Committee, and while I am grateful to be there because we have the chance to realign the budget that came to us from the administration, I must say that when it came over, when it failed to provide the resources that we need for veterans health care and asked our veterans to pay more for their health care, it was a great disappointment.

But the reality is, because we are in a fiscal mess, because of years of irresponsibility, failure to provide oversight and accountability, even though we have limited resources because of that, I know that this class and this Congress is committed to realigning the money that we do have to ensure that we do, Mr. Speaker, that we do provide our troops what they need when we send them into any mission on our behalf and that they have what they need after they return.

Our commitment to ensuring oversight and accountability is going to be an ongoing mission because it is an ongoing responsibility. It is, in fact, the very essence of what our congressional duty is, to be that check, to ensure that which we enact and that which is done from the administration comports with the needs of the American people, and we will do so in an honest and open way.

We have heard about some of the steps that we have already taken, the first step, to restore trust, openness and accountability in Washington. This week, we are going to take additional actions, and in fact, we have already taken some here on this floor today.

In this week, we have scheduled consideration or acted already on whistleblower reform. We are going to deal with that issue. We are strengthening the protection for Federal whistleblowers to prevent retaliation against those who report wrongdoing, waste, fraud and abuse. This is so essential to making sure that the safeguards that we need will result in the kind of a government and the policies and the contracting and the work of the people will be of such a caliber that we can be proud, and more importantly, the American people can be proud.

We are also providing for more timely disclosure of government documents, another good measure not only of good government but of accountability, that will pay huge dividends and allow us to ensure that we are acting wisely and responsibly.

We are also nullifying a 2001 presidential executive order and restoring public access to presidential records. The public has a right to know the public's business. This is another measure to ensure that.

As we talk about the need to fund veterans health care, how can we fail to mention at the same time we fail to meet that need, we have seen gross excesses of lack of oversight and accountability and money, literally being lost in Iraq due to a failure of proper oversight of those we contract with. Limits on how long Federal no-bid contracts can last will be enacted this week by this new Congress. We will minimize the use of no-bid contracts and direct agencies to justify any such contracts if they are awarded.

These are all important measures that we will take this week in order to

continue to fulfill our commitment to the American people to take this country into a new direction, one that will work for them and one that has their interests at heart.

As we come to the conclusion of our hour, I would just like to give my colleagues another opportunity to report what they would like to report in these closing moments to the American people. I yield to my good friend from Minnesota (Mr. WALZ).

Mr. WALZ of Minnesota. Mr. Speaker, I thank the gentlewoman from Ohio, and so eloquently put. It is a new opportunity in America. It is one of optimism. We have got a lot of work to do, but Americans always rise to the challenge in the time of the greatest challenge.

I think it is important to realize that this place we are standing, this sacred hall, this is the people's House. This is the first branch of government in the Constitution. This branch is coequal to the other two branches, and our duty of providing oversight and accountability is not something that we get to pick and choose on. It is our constitutional responsibility.

When I hear people entrust me, you will hear people in this very chamber start using the term ''micromanage.'' It seems to me there is a place where they dream up these words that they just keep repeating and repeating. Well, I can tell you what, micromanage, call it what you may, could be oversight and accountability also, and I ask my constituents, would you like a little oversight and accountability at Walter Reed? Would you like a little accountability on the situation in Iraq? Would you like a little accountability on what you hear on some of the things that are happening? And the answer is yes.

Sunshine truly is the best antiseptic. This new Congress has been here for 2 months, and there is a new way of doing business. It is the way that this country was laid out under the Constitution. It is the one that has served us best for over 230 years, and it is the one that we will continue to use that will provide the American people with the best government possible.

□ 2130

I thank the gentlelady, I thank my good colleague from Wisconsin for the opportunity to be here with you, and I look forward to many more opportunities to do the Nation's bidding the way it should be.

Ms. SUTTON. I thank the gentleman. At this time I would like to yield to my friend from Wisconsin (Mr. KAGEN).

Mr. KAGEN. I am very proud to be standing next to both of you and express a great deal of optimism. I was sent here from the great State of Wisconsin, some might call it Cheeseconsin. We are still the Dairy State. I was sent here because people felt they needed some honest leadership, leadership that wouldn't let them down, some straight talkers.

We are delivering that message here. We are delivering a message not just verbally, but in a work product. Take a look, if people around the hall here and at home across America will take a look at the work we have already produced, you will find we have been working hard, and the work is not done yet. I am absolutely convinced that by working together, we will build a better future for everyone in this country. Stay tuned to C–SPAN. We will be back and deliver a positive message again.

Ms. SUTTON. I thank the gentleman.

These issues that we have begun to talk about here, and we have begun to take action on, is part of our ongoing effort to restore accountability and trust in Washington. They are part of the mandate of the last election.

Together, we will build on this work throughout the 110th Congress, and as I wrap up here, I would just like to thank those people, those people that I have the honor to represent from the 13th District of Ohio from Lorain to Elyira to Akron to Barberton, I thank you for the privilege of serving you, and we shall be unyielding in our commitment to deliver on promises.

ILLEGAL IMMIGRATION

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

Mr. BILBRAY. Mr. Speaker, it is an honor to present our report to the American people on the status of the immigration issue tonight, and it is an honor to be able to welcome you to the Speaker's chair.

As a new freshman, or as one of your first times up there, I want to congratulate you on your advent to service of the people of America as the acting Speaker tonight.

Mr. Speaker, actually tonight we are talking about an issue that a lot of Americans have asked for a long time to be addressed, and that is the many different ways that we are encouraging illegal immigration. But actually tonight, we are to be talking about one of the items that originally was not intended to be one of immigration, it was one to be basically addressing national security and neighborhood security.

For good reasons, Congress in the past, both Democrats and Republicans, have said that the movement of capital funds, of bank accounts, was a major issue in fighting things like drug trafficking, of terrorist activities and of other illegal activities to where the United States' Congress, with this support and the consent of the people of the United States, said that before somebody opens a bank account, before they start getting involved in business transactions with a lending institution, they need to show and prove who they are so we know who is moving this cash back and forth. The identification issue became critical to make sure that drug cartels and criminal elements and terrorist elements were not able to use our institutions of lending, of finance, as part of their terrorist and illegal activity.

Sadly what has happened, though, is we passed a law that said everyone must be identified. There are lending institutions that have found ways to get around the law and say that if somebody is able to get a phony ID from a phony government document, we will look the other way and use that to be able to open bank accounts.

A lot of this discussion is specifically about illegal immigrants being able to get these documents, because you have countries such as Mexico that are willing to give documents, ID documents to individuals without any proof of who they are. Thus, the document such as the consulate card from the Republic of Mexico isn't worth the paper it is written on.

What has happened is these institutions, these American institutions, are actually participating in business transactions that they know violates the spirit of the law and accepts phony identification as a way to be able to engage in business that otherwise would be illegal for legal resident aliens and U.S. citizens to engage in, because the rest of us are required to show viable identification.

At this time I have the privilege to recognize the gentlelady from Tennessee. At this time I would like to yield whatever time she may consume to Mrs. BLACKBURN.

Mrs. BLACKBURN. I thank the gentleman from California, and I thank him for his insightfulness on the immigration issue.

He has done so much work in his service in this Congress addressing this issue and encouraging people to look at the issue, to learn about the issue and to realize it is more than just a surface issue.

I also have appreciated the fact that the gentleman has encouraged people to realize the compassionate thing to do in this is to make certain that we keep immigration legal and that we honor the men and women who have gone through the process legally.

That is important to do, and it is the right step. It is the compassionate step to make.

H.R. 1314 addresses the issue that Mr. BILBRAY mentioned and referenced as he opened his remarks about those that have entered the country illegally, getting access to our financial markets. Now, H.R. 1314 is the Photo Identification Security Act. This is a great piece of legislation. It is not a lengthy bill, it is one that I think everybody here in the House can pick up and read in 1 or 2 minutes. As you see, it is only about three pages.

What it does is something very big and very important, though, it closes a loophole that exists in the PATRIOT Act and the IRS regulations, and it is through that loophole that you could literally drive a truck. That is the

loophole that we know that not only illegal immigrants use, but sexual predators and identity thieves, those people that want to be anonymous, that need to be anonymous, that have to be anonymous to the legal system. This is what they are choosing to use to gain access to banking institutions, to wire transfer services from the Federal Reserve, the U.S. Treasury, the IRS. It is giving them the ability to sign up for credit cards, to get home mortgages, to obtain taxpayer identification numbers, which employers call ITEN numbers, and to transfer money from this country back to Mexico.

This is a difficult situation for our country, because we have spent a lot of time, effort and energy trying to seek out terrorist groups and those that would do us harm. We are spending a lot of time, effort and energy talking about protecting intellectual property and looking at money laundering and how those pirates are laundering money and sending it back out of the country, taking money out of our communities.

We are spending a lot of time routing out identity thieves. Certainly in my community I hear from so many people who have had their identity lifted. They have had it stolen. They have had somebody take that from them, and then these individuals want to go open checking accounts, they want to go open credit cards and run up the number, just swipe those numbers off that credit card, run it ragged.

Somebody pays the bill, and it always comes back to being the American taxpayer that is going to pay the bill for fraud and for misuse. Happens every single time, every single time. This is a very serious problem to the faith that people have in our governing institutions. It is a serious problem to the stability of our financial markets. But there is a solution to this problem, and it is H.R. 1314, the Photo Identification Security Act.

As I said, it is a very simple bill, and I will do three things. It says in order to access our nation's financial services, in order to do business with the Federal Government, you have to present one of the three secure forms of ID as recognized in this country.

Number one would be a Social Security card with a government-issued State or Federal government issued photo ID. This could be a driver's license, if you are from a State that complies with the REAL ID Act.

Then you have got number two, a U.S. passport or a foreign nation passport. That would be a passport that we recognize, that we have a reciprocity agreement with.

The third form of ID would be a US citizenship and immigration service photo ID card. Now, that would be your USCIS permanent resident card, permanent alien card, work card, green card. Simply put, you have to have a visa before you can apply for a visa if this legislation passes, and we are encouraging everyone to join us in this. We are encouraging everyone, both parties, both Houses, to sign on, let's close this loophole and close it quickly.

I was talking to one of my constituents about this problem after it had arisen, it was a banker, in rural west Tennessee in my district. He was excited that we were working on this bill and thrilled that we were going to be closing this loophole. He looked at it like this, he told me a story of a couple of his customers, they had worked at a local plant, both had retired.

Then they decided they wanted to buy a motor home, which they did, good customers at the bank, so they get the motor home. They decide to start travelling.

Well, they needed a credit card to make reservations at those campgrounds. This banker could not get them a credit card because they had never had a credit card. They had a checking account. They had pretty much operated on cash, they had retired, they were now unemployed. They could not qualify for a credit card.

So, when the scandal began that we had major iconic banks in this country issuing credit cards to those that had illegally entered this country, as long as they were willing to put $100 in a checking account and leave it there for a month, then they could get a $500 credit card, that gentleman, that good, solid, patriotic American man that has worked for a company, retired from a company and wanted to enjoy his retirement years, walked into that bank, and he asked that banker, do I need to be an illegal immigrant just to get a credit card in this country?

That is the right question for him to ask. That is how ludicrous the practice is and how horrific it is that we would have these big banks, big banks, big iconic companies that have benefitted from the prosperity of this great Nation to play favorites and to say, all right, if you are an illegal immigrant, if you want to put $100 in over here, I am going to give you a $500 credit card.

Basically, I will tell you, that is predatory lending. Basically, that is a pretty high interest rate to go get a credit card, but that is the way we are doing it, and their response is we are exploiting a loophole. So the loophole needs to be closed because it just isn't right. It isn't a practice that should continue.

Another thing I have heard from some of my constituents is this, all of our local communities depend on keeping money in that community and having it turn over in the community several times before it leaves. You know, once somebody earns a dollar, they like to have that dollar turn over three and a half, four, four and a half, five times, in order to keep that economy humming along.

You earn the dollar, you go by the grocery store and make the purchase, and by the dry cleaners and by the shoe shop. You go over and you take the kids out for ice cream after you have gone to the ball game. You go buy new sporting goods for them to play in that ball game. Then you go buy new clothes for Easter as you are getting ready for Easter, and a swim suit for summer, maybe even a little swimming school for the backyard. The point is, the money has to turn over in that community in order for the community to be available.

Guess what, our friendly Federal Reserve system has done? The Federal Reserve system of the U.S. government has set up a system that allows illegal immigrants to transfer money back to the Bank of Mexico, direct to Mexico is the program.

The funny thing about this is, there are 27,000 transaction a month to the tune of $23 billion a year.

□ 2145

Mr. Speaker, guess what? Friendly Federal Reserve is bragging about keeping the fees low, $0.67 a 100. Well, I have not found a one of my constituents who has said their ATM fees are going down. I have not had a one of them say their checking account fees are going down. I haven't had a one of them say they have had any transaction fee go down. My merchants complain about the fees that they get charged. And we even have a hearing reported in one of our Hill newspapers today about retailers and banks duking it out over transaction fees.

But then we have another article that came out of the L.A. Times that is talking about the Federal Reserve bragging about being able to keep these fees low.

Now, Mr. Speaker, it is a little bit of a head scratcher, I will have to admit it, my goodness gracious, you know, when they can go in here and they can wire this money out of the country, 27,000 transactions a month, $23 billion a year, the money is not turning over in the local communities.

Some of our friends across the aisle are saying, well, you know, we are not seeing what we want in jobs growth and income growth, even though it has been pretty healthy. Maybe they need to look at some of this. Maybe they need to join us in stopping illegal immigration. Maybe they need to join us in standing against amnesty. Maybe they need to make sure that we are a sovereign and free Nation, and that we remain so.

The Photo Identification Security Act, closing the loophole that allows those that have illegally entered this country, that allows those who are predators and identity thieves to remain anonymous to the system; closing that loophole, so that they do not have access to credit, so that they do not have access to our financial markets, so that they cannot have the ability to remain anonymous to the system.

I encourage everyone to join me in supporting H.R. 1314, the Photo Identification Security Act. I encourage everyone in this body, Mr. Speaker, to join us in closing this loophole that exists in the PATRIOT Act and the IRS

regulations. And I encourage them to join us in encouraging the Federal Reserve to end the program that allows $23 billion to be transferred out of this Nation every year without turning over in the community. Every single year.

Let's be certain that we keep our economy secure and safer. Let's be sure that we keep our communities secure and safe, and let's be certain that we are fair to the families and the working men and women in this great Nation.

And I yield back to the gentleman from California.

Mr. BILBRAY. Thank you. I appreciate the gentlelady. Let me say at this time, it is my privilege to introduce the gentleman from Texas, who actually is a, in his previous life, was a judge who saw over 25,000 cases. So this is a man who knows a crime when he sees it. And at this time I would yield to the gentleman from Texas (Mr. POE).

Mr. POE. I thank the gentleman from California, and also your leadership on the Immigration Caucus. This important issue, border security, immigration is a national security issue, Mr. Speaker. And the people from Southeast Texas who I represent have long been concerned about the open borders that we have in the United States and the continuing problems that arise from that.

It is said, Mr. Speaker, that money is the root of all evil. And companies like Bank of America think making a buck is more important than knowing who their customers really are. By issuing credit cards and bank accounts to people who show little, if any legitimate documentation, banks are leaving the door wide open for money laundering, fraud, and identity theft. They contribute to the magnet that drives people to the United States to come and stay here illegally. And they are blatantly sending a message to drug cartels and terrorists around the world that they are open to business for anybody that has got a little money.

Bank of America's slogan is ''Higher Standards.'' Higher standards, Mr. Speaker. It seems they have no standards. Whatever happened to good corporate citizenship, where integrity takes a back seat to banking greed? Since when does greed override their responsibility?

Let me read to you what the Bank's Director of Latin American Card Operation, a Mr. Brian Tuite, I think that is his last name, T-U-I-T-E, said about this recent bank program of giving credit to illegals in the United States. He said, ''These people are coming here for quality of life, and they deserve somebody to give them a chance to achieve that quality of life.''

Mr. Speaker, since when did Mr. Tuite write Federal immigration laws? And what part of illegal immigrant does he not understand? You know, with that attitude, I suggest he and Bank of America change their name to Bank of Mexico.

While on the subject of Federal immigration laws, let me read Title 8 of the U.S. Code, section 1324(a) which defines several distinct offenses related to illegals. The law prohibits, among other things, encouraging or inducing unauthorized aliens, that is Federal language for illegals, to enter the United States, and engaging in a conspiracy or aiding and abetting any of the preceding acts.

So what is the Department of Homeland Security doing about all this? Are they working to strengthen document standards for banks like my colleague from Tennessee is attempting to do, Ms. Blackburn? No. They are using Bank of America's position to argue for more guest workers and for amnesty that would reward illegals en masse. They seem not to get it.

The Department of Homeland Security spokesman, Russ Knocke said banking products aimed at illegal immigrants reinforce the need for a temporary worker program. This is nonsense. His idea rewards the unlawful activity of being in the country illegally by now saying it is permissible activity to be here illegally.

Banking products aimed at illegal immigrants do not reinforce the need for a temporary worker program. They reinforce the need to enforce the border rules, strengthen interior enforcement of immigration laws and punish companies who openly flout the rule of law.

How do we expect to hold employers who knowingly hire illegals accountable when American banks are rolling out the welcome mat to illegals and giving them credit?

Issuing credit cards to people without valid and legitimate documentation makes no sense. The banking industry would have you believe it has to do with helping these poor individuals with bad credit history. This is nonsense, again. It is all about banks cashing in on the underground illegal cash economy, pure and simple. It is all about money. It always has been, and it always will be.

I am proud to be a cosponsor of H.R. 1314, the Photo Identification Security Act that Mrs. BLACKBURN has spoken about and offered tonight. This legislation will close the Federal loophole created in the PATRIOT act that allows for financial institutions to accept these bogus alternate forms of identification when opening accounts or obtaining credit cards.

Like Mrs. BLACKBURN pointed out, many American citizens and lawful immigrants have difficulty obtaining credit or credit cards, but banks are making it easier for illegals to obtain credit and credit cards.

This bill will require any official business with the Federal Government or financial institutions to accept one of the forms of identification that are normal, such as a Social Security card, with a government issued identification card, including a state driver's license, a U.S. or foreign passport or U.S. citizenship and immigration service photo identification card.

The Mexican government-issued matricula consular card under this new legislation will no longer be accepted. Now, Mr. Speaker, the MATRICULA CONSULAR CARD, issued by the nation of Mexico, is an identification card made by the Mexican government for Mexican nationals that are illegally in the United States. Banks and even our Federal Government have now begun to accept this as a valid identification form. We need to work with the banking industry and convince them to maintain the integrity of our laws and provide strict guidelines on acceptable and secure identification policies. Banks like Bank of America need to stop encouraging illegal entry into the United States and quit pandering to the illegals that are here, all in the name of the all mighty peso.

So I appreciate the time the gentleman from California has given me and, hopefully, working together, we can stop this nonsense of allowing illegals in this country to obtain special privileges over American citizens and lawful immigrants.

Mr. BILBRAY. Thank you very much.

Mr. Speaker, I think that the gentleman from Texas pointed out a real issue here, and that is the special treatment being given to somebody who is being perceived to be legally in the country. If you are a resident, legal alien, if you are a U.S. citizen, you are expected by these institutions to show up with the proper documentation, viable ID to prove you are who you are. But under this misguided concept that if you are here illegally, we can't expect you to live up to the minimum standard that everyone legally is playing here, that we will accept this consular card, which, admittedly, is given without any documentation, without any verification, and could be used by drug cartels, could be used by terrorists, could be used by anyone as a way of hiding their identity. But because we perceive you may be illegally in the country, we will abandon all our standards that we apply to everyone else and allow you to have a special standard that does not hold you to the viable ID requirement.

I just think that Americans across this country keep saying, how far off course can we go in America? And sadly, this is an issue that the Federal Government has been allowing to happen, that the administration has looked the other way on, and I think it is something that this administration has to address, this Congress has to address. And the American people need to call their Members of Congress and say, where do you stand on this issue of viable identification for the opening of financial arrangements?

At this time, Mr. Speaker, I have the privilege to be able to yield whatever time he may consume to the gentleman from Virginia, Virgil Goode.

Mr. GOODE. Thank you, Mr. BILBRAY.

Mr. Speaker, I want to say thanks, first, to you, as the Chair of the Immigration Reform Caucus, and to your predecessor, Tom Tancredo of Colorado, for your relentless efforts to secure our Nation and make our country safer by enhancing border security and by reducing magnets that are attractions to illegals. One magnet has been discussed just by the previous speakers. Mrs. BLACKBURN of Tennessee and Mr. POE of Texas have discussed the legislation that will, hopefully, block companies like Bank of America from issuing credit cards to illegal aliens. That is a magnet for them to come here and get an American credit card.

There are many other magnets that attract millions to come across our borders to avoid the law and to enter this country illegally. Amnesty is a huge magnet. Amnesty means that if you get here and stay here a little while, we are going to let you stay. We are going to give you a blue card, a red card or a green card, and we are going to give you a glidepath to citizenship. Amnesty is probably the worst magnet of all. It is estimated that between 12 and 20 million persons are here illegally already. And they are placing a financial burden on the educational and social services of localities and states.

□ 2200

Also, many illegals are criminals, and they are filling local jails, State prisons, and placing a burden on our law enforcement system. Even in a State like Virginia, which is not adjacent to our southern border, you can talk with local law enforcement officials and they can tell you about the number of persons that they believe to be illegal going through the criminal justice system is costing the taxpayers of the localities of the Fifth District and the citizens of the State of Virginia millions of dollars.

I listened to the President's State of the Union message. I was happy when he said that we needed to have our borders more secure, but I was not happy, very much so, about his proposal that would grant amnesty to illegals. Paying a fine for breaking immigration laws of the United States and after a few years being given an opportunity to become a citizen is amnesty any way you slice it. And I don't care what others say about legalization or regularization, they are euphemisms for amnesty.

Once the illegals become citizens, they have the right to petition to bring family members into the United States. And that is not just son, daughter, father, mother, it extends beyond that, it is called chain migration. If you give amnesty to 12 million illegals, that is going to be 60 million in less than half a decade. A huge burden on the United States. And it is a reward for those who broke the law.

Giving a glidepath to citizenship in the mid-1980s was tried. It was an amnesty then. It failed. It didn't stop the flow, we had more. It served as a lure for more to come across our borders. And there is reason to believe that if we do it again, millions upon millions will follow suit because they will say in the 1980s, if we worked our way across, just walked across one night, maybe with a guide, maybe without a guide, and we stayed there a few years, they gave us amnesty. And you know what? In the nineties more just came across the border, that border that has very little fencing along it. They just came in, and they got them amnesty then. And they are counting on another one in this decade.

If we want to stop a big magnet for illegal immigration, we will have a firm and signed policy of no amnesty, no matter how euphemistic you may make the words ''amnesty'' sound.

And Mr. BILBRAY is from San Diego. The fence between San Diego and Mexico is working. It is not a simple barbed-wire fence, it is not a simple woven-wire fence, it is a three-layer fence with two rows, and it is a stopper. I hear those on the other side and many in this body say, you know, we really don't need a fence, we can do some other things; a fence won't work. Let me tell you, the opponents of the fence don't like it because it will do the job. I don't think anyone yet has made it across the fence in San Diego by climbing the first fence, going across the road, climbing the huge barrier fence in the middle, going across the next road and then crossing the third fence. And very few, if any, tunnelists have been able to make it so far.

So the magnet of amnesty is one that needs to be rejected. And if this body and the body on the other side on our executive branch were to come out four-square, forthrightly against amnesty in any shape or form, many of those illegally in the country now would walk back just like they walked in because they would know that there was no hope of getting that special colored card or getting citizenship. They would know that the only way you get to the United States is to play by the rules. You go back to your home country, and you don't jump in front of those that are going through the process, that are having background checks, that are having their criminal records evaluated so they wouldn't have any. Their health records and their health checks would be undertaken, interviews would be given, they would be playing by the rules.

Another magnet that we must fix is the anchor baby. The United States, unlike most countries of the western world, provides for the children born of persons illegally in this country with citizenship. The mother and father can come here illegally, can be expecting and have a baby across the border in the United States, that baby is an automatic citizen. And if they go to one of the hospitals, and most likely because they are without assets, will be getting free treatment at the expense of the taxpaying citizens of the United States of America. Anchor babies are a huge magnet.

If we want to stop the invasion of illegal aliens into this country, we must do away with the magnets. And we have talked about three of the magnets here tonight. If we want to make America sound financially, reduce the deficit, save money, make our country safer and make our borders secure, we need to say no amnesty, no credit card and no anchor babies. Let's do the right thing, let's save America.

Mr. BILBRAY. Thank you very much. I appreciate the gentleman from Virginia.

Just to let you know, a lot of people might say, Mr. Speaker, how many illegal alien babies can be born in America, can it be that big a deal? Well, let me just say to the gentleman of Virginia, in my State of California, the cost of just giving birth to the children of illegal aliens every year is $400 million. That is just for the birth. Then the parents who are illegally in this country qualify to get welfare payments in the name of their children because we give them automatic citizenship, even though technically the parents are not totally subject to the jurisdiction as required by the 14th amendment. You can't draft them, you can't try them for treason. But $400 million just for the birth. And in fact, just the cost of the welfare, Mr. Speaker, paying for the children of illegals have gotten so big that even a great moderate like Arnold Schwarzenegger, our terminator, or what we call ''governorator'' has recognized that he wants to be able to provide health care to these children, he wants to be able to take care of the costs, but even he is proposing that we now have to cut off welfare payment to the children of illegal aliens at 5 years, not because he wants to cut it off, but because even the wealthiest State in this Union, California, can no longer afford to pay the benefits to illegal aliens that have been going on for so long. It has gotten that far.

And I think anybody would recognize that Arnold Schwarzenegger is not exactly anti-immigrant. He is probably the flagship and the banner boy for the successful immigrant story. But even he has looked at the bottom line and said there is a place where you have got to be able to say enough is enough. How much are you going to take from the law-abiding citizens and the children of law-abiding citizens and shift it over and give it to people who have broken our laws? .

I appreciate the gentleman from Virginia for bringing that up. And all I have to say is a lot of people may talk about this issue of banks looking the other way and accepting these consular cards, even they are not viable because their argument is, but we are making money. This is America. We are supposed to be making money. This is breaking that fine line between legal and illegal. Those who make money legally are totally separate from those

who are making it illegally. And the banks are saying we are getting away with it, so let us keep doing it.

Mr. Speaker, I think you would admit, this is right where the issue of racketeering brought the Federal government in to address people who were into bootlegging, though they were making big money, people that were into prostitution, people that were in drug dealing, people that were involved in the labor market below fair market value. We have laws against racketeering, and these major banks are involved in racketeering. They are profiteering from illegal activity because they are willfully and openly encouraging people that are in violation of the law, working and making money in violation of our laws, and then taking that money and profiteering by cutting a deal with the illegal alien that we will let you be in our institution if we get a wink and a nod and we are able to get our pound of flesh out of it. So I think it is something we need to address.

I appreciate the chance to be able to be here tonight with you. And Mr. Speaker, let me just say that American people may say they hear a lot about the problem of illegal immigration and what do we do about it, but not enough people talk about simple answers. And I would ask you, Mr. Speaker, and everybody that wants to find a simple answer, it is not a Republican or Democrat problem, it is an American problem. And there were two great Americans, one was a Democrat, a former Border Patrol agent called Sylvester Reyes, another was the former chairman of Rules, now ranking member of Rules, a Republican from California named David Dreier, who sat down with the Border Patrol agents, the men and women that are tasked with taking care of the immigration issue. And they were asked, what is the one thing you would do if you had one law to take care of illegal immigration? And they didn't say be mean to anybody, all they said is give the American employer such a simple way as a tamper resistant Social Security card, one document, only one document to prove who is legal to work in the United States and who isn't. Make it so simple for an employer to know who is legal that there is no excuse for somebody to hire an illegal so the Border Patrol agents then can go in and really crack down on those who are hiring illegals. Because the employers who are knowingly hiring illegals cannot hide behind the guise of well, I am like the little guy who didn't understand, it will become so clear.

So I would ask, Mr. Speaker, that you do us the privilege of looking at H.R. 98. SYLVESTER REYES is a very respected member of the Democratic Party, DAVID DREIER is a very respected member of the Republican Party. This bill has had the support from members of the Hispanic Caucus and members of immigration groups. This is where Democrats and Republicans can work together, and I think it is a place that America expects us to work together.

And I would ask anyone that is within the range of my voice, call their Member of Congress, call their Senator. Mr. Speaker, all they have to do is ask where the Member of Congress stands on H.R. 98, because this is where both Americans, Democrat and Republican, should be able to come together for the good of our future and for the future of our children and our grandchildren.

At this time, Mr. Speaker, I would yield back my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TANNER (at the request of Mr. HOYER) for today after 4:30 p.m.

Mrs. GRANGER (at the request of Mr. BOEHNER) for today on account of attending a funeral.

Mr. SAXTON (at the request of Mr. BOEHNER) for today and March 15 on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Member (at the request of Mr. JONES of North Carolina) to revise and extend his remarks and include extraneous material:)

Mr. REICHERT, for 5 minutes, March 15.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 10 o'clock and 14 minutes p.m.), the House adjourned until tomorrow, Thursday, March 15, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

848. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Department's final rule — Polymer of 2-Ethyl-2-(Hydroxymethyl)-1,3-Propanediol, Oxirane, Methyloxirane, 1,2-Epoxyalkanes; Tolerance Exemption [EPA-HQ-OPP-2006-0658; FRL-8116-9] received March 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

849. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Prothioconazole; Pesticide Tolerance [EPA-HQ-OPP-2005-0312; FRL-8113-6] received March 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

850. A letter from the Acting Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's final rule — Interim Final Rule Relating to Time and Order of Issuance of Domestic Relations Orders (RIN: 1210-AB15) received March 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

851. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri [EPA-R07-OAR-2007-0041; FRL-8284-8] received March 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

852. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Iowa; Interstate Transport of Pollution [EPA-R07-OAR-2006-1015; FRL-8285-1] received March 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

853. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Kansas; Interstate Transport of Pollution [EPA-R07-OAR-2007-0141; FRL-8286-3] received March 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

854. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [EPA-R07-OAR-2007- 0083 ; FRL-8286-1] received March 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

855. A letter from the Director, Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: Standardized NUHOMS System Revision 9 (RIN: 3150-AI03) received March 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

856. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Total Allowable Catch Harvested for Management Area 1B [Docket No. 050112008-5102-02; I.D.102406B] (RIN: 0648-AT21) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

857. A letter from the Program Analyst, Department of Transporation, transmitting the Department's final rule — Modification of VOR Federal Airways; and Establishment of Area Navigation Route; NC [Docket No. FAA-2006-24027; Airspace Docket No. 06-ASO-1] (RIN: 2120-AA66) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

858. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment

of High Altitude Area Navigation Routes; South Central United States [Docket No. FAA-2005-22398; Airspace Docket No. 05-ASO-7] (RIN: 2120-AA66) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

859. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Area Navigation Instrument Flight Rules Terminal Transition Route (RITTR) T-210; Jacksonville, FL [Docket No. FAA-2005-23436; Airspace Docket No. 05-ASO-10] (RIN: 2120-AA66) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

860. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Legal Description of Class D and E Airspace; Fairbanks, Fort Wainwright Army Airfield, AK [Docket No. FAA-2006-24813; Airspace Docket No. 06-AAL-16] (RIN: 2120-AA66) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

861. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Huslia, AK [Docket No. FAA-2006-24004; Airspace Docket No. 06-AAL-13] (RIN: 2120-AA66) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

862. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Keokuk Municipal Airport, IA [Docket No. FAA-2006-25009; Airspace Docket No. 06-ACE-7] (RIN: 2120-AA66) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

863. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Scottsbluff, Western Nebraska Regional Airport/William B. Heilig Field, NE [Docket No. FAA-2006-25007; Airspace Docket No. 06-ACE-5] (RIN: 2120-AA66) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

864. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Traumatic Injury Protection Rider to Servicemembers' Group Life Insurance (RIN 2900-AM36) received March 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

865. A letter from the Chief, Trade & Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Entry Of Certain Cement Products from Mexico Requiring A Commerce Department Import License [USCBP-2006-0020] (RIN: 1505-AB68) received March 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

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. SKELTON: Committee on Armed Services. H.R. 1362. A bill to reform acquisition practices of the Federal Government; with an amendment (Rept. 110–47 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Ms. CASTOR: Committee on Rules. House Resolution 242. Resolution providing for consideration of the bill (H.R. 1362) to reform acquisition practices of the Federal Government (Rept. 110–49). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WELLER:

H.R. 1513. A bill to provide for demonstration projects to help improve the Nation's unemployment compensation system; to the Committee on Ways and Means.

By Mrs. JONES of Ohio (for herself, Mr. PITTS, Mr. EMANUEL, Mr. ENGLISH of Pennsylvania, Mr. MCINTYRE, and Mr. BRADY of Texas):

H.R. 1514. A bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. COSTELLO (for himself and Mr. SHIMKUS):

H.R. 1515. A bill to amend the Housing and Community Development Act of 1974 to treat certain communities as metropolitan cities for purposes of the community development block grant program; to the Committee on Financial Services.

By Mr. OBERSTAR (for himself, Mr. MICA, Ms. CORRINE BROWN of Florida, and Mr. SHUSTER) (all by request):

H.R. 1516. A bill to authorize appropriations for activities under the Federal railroad safety laws for fiscal years 2008 through 2011, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS (for himself, Mr. GEORGE MILLER of California, Ms. WOOLSEY, Mr. BISHOP of New York, Mr. PAYNE, Mr. HARE, Ms. SHEA-PORTER, and Ms. CORRINE BROWN of Florida):

H.R. 1517. A bill to amend the Occupational Safety and Health Act of 1970 to provide for coverage under that Act of employees of State and local governments; to the Committee on Education and Labor.

By Mr. DAVIS of Illinois (for himself and Mr. WICKER):

H.R. 1518. A bill to allow employees of Federally-qualified health centers to obtain health coverage under chapter 89 of title 5, United States Code; to the Committee on Oversight and Government Reform.

By Mr. GONZALEZ:

H.R. 1519. A bill to prohibit offering homebuilding purchase contracts that contain in a single document both a mandatory arbitration agreement and other contract provisions, to prohibit requiring purchasers to consent to a mandatory arbitration agreement as a condition precedent to entering into a homebuilding purchase contract, and to provide for the Federal Trade Commission to enforce violations of such prohibitions as unfair and deceptive acts or practices under the Federal Trade Commission Act; to the Committee on Financial Services, 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. HINCHEY (for himself, Mr. MCHUGH, Mr. WELCH of Vermont, Mr. ACKERMAN, Mr. ARCURI, Mr. BISHOP of New York, Ms. CLARKE, Mr. CROWLEY, Mr. ENGEL, Mr. FOSSELLA, Mrs. GILLIBRAND, Mr. HALL of New York, Mr. HIGGINS, Mr. ISRAEL, Mr. KING of New York, Mr. KUHL of New York, Mrs. LOWEY, Mrs. MCCARTHY of New York, Mr. MCNULTY, Mrs. MALONEY of New York, Mr. MEEKS of New York, Mr. NADLER, Mr. RANGEL, Mr. REYNOLDS, Mr. SERRANO, Ms. SLAUGHTER, Mr. TOWNS, Ms. VELÁZQUEZ, Mr. WALSH of New York, and Mr. WEINER):

H.R. 1520. A bill to establish the Champlain Quadricentennial Commemoration Commission, the Hudson-Fulton 400th Commemoration Commission, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. KAGEN (for himself, Mr. ALTMIRE, Mr. LARSON of Connecticut, Ms. CASTOR, Mr. BRALEY of Iowa, Mr. PERLMUTTER, Mr. GENE GREEN of Texas, Mr. FARR, Mr. CLEAVER, Mr. HIGGINS, Mr. MCNULTY, Ms. HIRONO, Mr. COHEN, Mr. PATRICK MURPHY of Pennsylvania, and Mr. WEXLER):

H.R. 1521. A bill to amend part D of title XVIII of the Social Security Act to remove the Medicare prescription drug benefit late enrollment penalty; 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. KELLER (for himself and Mr. CUELLAR):

H.R. 1522. A bill to promote the availability and use of the Federal student financial aid website of the Department of Education; to the Committee on Education and Labor.

By Mr. LEVIN:

H.R. 1523. A bill to provide for interregional primary elections and caucuses for the selection of delegates to political party Presidential nominating conventions; to the Committee on House Administration.

By Mr. LEWIS of Georgia (for himself, Mr. RAMSTAD, and Mr. DOGGETT):

H.R. 1524. A bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Ways and Means.

By Ms. ZOE LOFGREN of California (for herself, Mr. GOODLATTE, Ms. LINDA T. SÁNCHEZ of California, Mr. SMITH of Texas, and Ms. JACKSON-LEE of Texas):

H.R. 1525. A bill to amend title 18, United States Code, to discourage spyware, and for other purposes; to the Committee on the Judiciary.

By Mr. GEORGE MILLER of California (for himself, Ms. ESHOO, Mrs. TAUSCHER, Mr. LANTOS, Mr. HONDA, Ms. ZOE LOFGREN of California, Mr. MCNERNEY, and Mr. STARK):

H.R. 1526. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Bay Area Regional Water Recycling Program, and for other purposes; to the Committee on Natural Resources.

By Mr. MORAN of Kansas (for himself and Mr. LATHAM):

H.R. 1527. A bill to amend title 38, United States Code, to allow highly rural veterans enrolled in the health system of the Department of Veterans Affairs to receive covered health services through providers other than those of the Department, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. OLVER (for himself, Mr. NEAL of Massachusetts, Mr. MURPHY of Connecticut, Ms. DELAURO, Mr.

COURTNEY, and Mr. LARSON of Connecticut):

H.R. 1528. A bill to amend the National Trails System Act to designate the New England National Scenic Trail, and for other purposes; to the Committee on Natural Resources.

By Mr. SMITH of New Jersey (for himself, Mr. ROYCE, Mr. ROHRABACHER, Mr. MCCOTTER, Mr. WOLF, Mr. RENZI, Mr. DANIEL E. LUNGREN of California, Mr. TOM DAVIS of Virginia, and Mr. PASCRELL):

H. Res. 243. A resolution calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Nguyen Van Ly, Nguyen Van Dai, Le Thi Cong Nhan, and other political prisoners and prisoners of conscience, and for other purposes; to the Committee on Foreign Affairs.

By Ms. MILLENDER-MCDONALD (for herself and Mr. EHLERS):

H. Res. 244. A resolution electing members to the Joint Committee on Printing and the Joint Committee of Congress on the Library; considered and agreed to.

By Mr. WILSON of South Carolina (for himself and Mr. MCDERMOTT):

H. Res. 245. A resolution recognizing the religious and historical significance of the festival of Diwali; to the Committee on Oversight and Government Reform.

By Mr. GOODE:

H. Res. 246. A resolution expressing the sense of the House of Representatives that States and units of local government should enact legislation to prohibit the issuance of business, professional, or occupational licenses to unauthorized aliens; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. WILSON of South Carolina introduced a bill (H.R. 1529) for the relief of Griselda Lopez Negrete; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. GEORGE MILLER of California and Mr. WELLER.

H.R. 39: Mr. HILL, Mr. ARCURI, and Mr. SMITH of New Jersey.

H.R. 171: Mr. SCOTT of Virginia and Mr. MCGOVERN.

H.R. 180: Ms. CLARKE.

H.R. 243: Mr. SENSENBRENNER.

H.R. 245: Mr. GERLACH.

H.R. 255: Mr. GERLACH.

H.R. 275: Mr. MCCOTTER.

H.R. 303: Mr. CONYERS and Mr. CLEAVER.

H.R. 419: Mr. THORNBERRY.

H.R. 463: Mr. KANJORSKI.

H.R. 471: Mr. LEWIS of Kentucky, Mr. FOSSELLA, and Mr. MCGOVERN.

H.R. 477: Mr. WALDEN of Oregon and Ms. LINDA T. SÁNCHEZ of California.

H.R. 493: Mr. ALTMIRE.

H.R. 511: Mrs. CAPITO, Mr. CHABOT, Mr. FLAKE, Mr. FORTUÑO, and Mr. FOSSELLA.

H.R. 619: Mr. LEWIS of Georgia, Mr. LEVIN, Ms. JACKSON-LEE of Texas, Ms. NORTON, Ms. BALDWIN, Mr. PRICE of North Carolina, Mr. PATRICK MURPHY of Pennsylvania, and Ms. SOLIS.

H.R. 621: Mr. ROTHMAN and Mr. RAHALL.

H.R. 657: Mr. LAHOOD.

H.R. 661: Mr. MCGOVERN.

H.R. 684: Mr. MCNULTY.

H.R. 699: Mr. JINDAL, Mr. LINDER, Ms. FOXX, and Mr. WALBERG.

H.R. 718: Mr. SOUDER and Mr. HILL.

H.R. 721: Mr. COLE of Oklahoma, Mr. PETERSON of Pennsylvania, and Mr. ISSA.

H.R. 731: Mr. CUELLAR and Mr. MICHAUD.

H.R. 748: Mr. BOUCHER.

H.R. 768: Mr. TANCREDO.

H.R. 769: Mr. TANCREDO and Mr. GARY G. MILLER of California.

H.R. 797: Mr. WEXLER.

H.R. 804: Mr. MEEHAN, Mr. THOMPSON of California, Ms. SCHWARTZ, Mr. HASTINGS of Florida, Ms. LINDA T. SÁNCHEZ of California, Mr. MICHAUD, and Mr. ELLISON.

H.R. 869: Mr. TAYLOR, Mr. ALLEN, Mr. HILL, and Mr. KIND.

H.R. 897: Ms. CARSON.

H.R. 971: Mrs. NAPOLITANO.

H.R. 977: Mr. STARK.

H.R. 980: Mr. FATTAH, Mr. MCDERMOTT, Ms. SCHAKOWSKY, Mr. BAIRD, Mr. DENT, Ms. CORRINE BROWN of Florida, Mr. PALLONE, Mr. ABERCROMBIE, Mrs. TAUSCHER, Mr. GRIJALVA, Mr. OBERSTAR, Ms. DELAURO, Mr. SKELTON, Mrs. MALONEY of New York, Mr. GENE GREEN of Texas, Mr. EMANUEL, Mr. FILNER, and Mr. UDALL of New Mexico.

H.R. 981: Mr. MCHUGH.

H.R. 983: Mr. CUELLAR, Mr. LEWIS of Kentucky, Mr. DUNCAN, Mr. GRIJALVA, Mr. BONNER, Mr. STEARNS, Mrs. WILSON of New Mexico, Mr. CHANDLER, Mr. HINOJOSA, Mr. WALBERG, Mr. GOHMERT, Mr. PENCE, and Mr. TIM MURPHY of Pennsylvania.

H.R. 988: Mr. DOOLITTLE, Mr. RADANOVICH, Mr. BERMAN, Mr. LANTOS, Mr. THOMPSON of California, Mrs. TAUSCHER, Mr. HONDA, Ms. MILLENDER-MCDONALD, Mr. SHERMAN, Mr. GALLEGLY, and Mrs. DAVIS of California.

H.R. 989: Mr. MILLER of Florida and Mrs. BLACKBURN.

H.R. 1026: Mr. MCNULTY.

H.R. 1034: Mr. RAHALL.

H.R. 1043: Mr. RAMSTAD.

H.R. 1061: Mr. RENZI and Mr. ENGLISH of Pennsylvania.

H.R. 1093: Mr. BOYD of Florida and Mr. FEENEY.

H.R. 1108: Mr. HARE, Mr. ROSKAM, and Mr. TOWNS.

H.R. 1132: Ms. ZOE LOFGREN of California.

H.R. 1188: Mr. RUPPERSBERGER.

H.R. 1190: Mr. TERRY and Mr. CUMMINGS.

H.R. 1229: Mr. PASTOR and Mr. GERLACH.

H.R. 1234: Mr. CLAY and Mr. FILNER.

H.R. 1236: Mr. BUTTERFIELD, Mrs. MALONEY of New York, Mr. CLEAVER, Mr. HOLDEN, Mr. SIRES, Mr. GEORGE MILLER of California, Ms. BORDALLO, and Mr. RUPPERSBERGER.

H.R. 1240: Mr. FILNER, Mr. MICHAUD, Mrs. CHRISTENSEN, Mr. CONYERS, Ms. ROS-LEHTINEN, Mr. RUSH, Mr. FATTAH, Ms. NORTON, Mr. GRIJALVA, Mr. CROWLEY, Mr. MANZULLO, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, and Mr. LANGEVIN.

H.R. 1287: Ms. SCHAKOWSKY.

H.R. 1293: Mr. LEWIS of Kentucky, Mr. RADANOVICH, Mr. ROSS, Mr. KELLER, and Mr. MCHENRY.

H.R. 1303: Mrs. NAPOLITANO.

H.R. 1324: Mr. ROHRABACHER and Mrs. MCMORRIS RODGERS.

H.R. 1325: Mr. CAPUANO, Mr. REYES, and Mr. RODRIGUEZ.

H.R. 1330: Mr. GERLACH and Mr. PAYNE.

H.R. 1333: Ms. SCHAKOWSKY.

H.R. 1342: Mr. HOEKSTRA.

H.R. 1344: Ms. CORRINE BROWN of Florida, Mr. ALEXANDER, Mr. GERLACH, and Mr. FARR.

H.R. 1359: Mr. FRANKS of Arizona.

H.R. 1366: Mr. CANTOR.

H.R. 1394: Ms. BORDALLO.

H.R. 1420: Ms. JACKSON-LEE of Texas, Ms. NORTON, Mr. STARK, Mrs. DAVIS of California, and Ms. DEGETTE.

H.R. 1424: Mrs. BONO.

H.R. 1430: Mr. FRANKS of Arizona, Mr. HERGER, and Mr. CHABOT.

H.R. 1433: Mr. DAVIS of Illinois, Mr. ELLISON, and Ms. WASSERMAN SCHULTZ.

H.R. 1435: Ms. KAPTUR, Mr. FATTAH, Ms. BORDALLO, and Mr. NEAL of Massachusetts.

H.R. 1441: Mr. ABERCROMBIE, Mr. ISRAEL, and Mr. MCINTYRE.

H.R. 1448: Mr. SCHIFF, Ms. BERKLEY, and Mr. ENGLISH of Pennsylvania.

H.R. 1459: Mr. YARMUTH, Mr. GONZALEZ, Mr. POE, Mr. BONNER, and Mr. FORBES.

H.R. 1505: Mr. BOSWELL.

H.R. 1509: Mr. HULSHOF.

H.J. Res. 14: Ms. CARSON.

H. Con. Res. 9: Mr. ANDREWS and Ms. SUTTON.

H. Con. Res. 49: Mr. ORTIZ, Mr. WILSON of Ohio, and Mr. MCNERNEY.

H. Con. Res. 71: Mr. DOYLE, Mr. MARKEY, and Ms. LINDA T. SÁNCHEZ of California.

H. Res. 49: Mr. HARE, Mr. CONYERS, and Mr. OBERSTAR.

H. Res. 105: Mrs. CUBIN and Mr. LINDER.

H. Res. 146: Mr. MCNULTY, Mr. FILNER, and Ms. HIRONO.

H. Res. 194: Mrs. CHRISTENSEN, Mr. CLAY, Ms. CASTOR, Mr. HASTINGS of Florida, Mr. GRIJALVA, Mr. RYAN of Ohio, Mrs. NAPOLITANO, Mr. LANTOS, Mr. MCDERMOTT, Mr. BRALEY of Iowa, Ms. MATSUI, Mr. FATTAH, Ms. CORRINE BROWN of Florida, and Ms. LORETTA SANCHEZ of California.

H. Res. 208: Mr. FORBES.

H. Res. 213: Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. MCNULTY.

H. Res. 223: Ms. MCCOLLUM of Minnesota.

H. Res. 233: Mr. LATOURETTE and Mr. SENSENBRENNER.

H. Res. 237: Mr. FATTAH and Mr. MCGOVERN.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, WEDNESDAY, MARCH 14, 2007 No. 44

Senate

The Senate met at 10 a.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.

Eternal Lord God, who alone stretches out the heavens, from everlasting to everlasting, You are God. Thank You that our daily work is intended by You to bless us and not to be a burden.

As our lawmakers labor today to fulfill Your purposes, give them strength and wisdom to discern the signs of these times. We do not ask You to give them faith for every day they will live but for enough faith to live 1 day at a time. Lord, keep them vigilant in the face of temptation, resolute in their determination to resist it and do Your will. Fill their hearts with Your spirit so that whatever they do will glorify and honor Your Name. Keep them from becoming weary in doing good, reminding them that at the proper time, they will reap a harvest if they don't give up.

We pray in the Name that is above every 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 14, 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 MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following any time Senator MCCONNELL and I will use, there will be 60 minutes of debate prior to a vote on the motion to invoke cloture on the motion to proceed to S.J. Res. 9 relating to Iraq policy. The time is equally divided and controlled between the leaders or their designees. The leaders will have the final 20 minutes immediately prior to the vote, with the majority leader controlling the last 10 minutes.

I have had an ongoing discussion with the Republican leader about how we could or would proceed to the Iraq resolution following whatever happens this morning. In addition to Iraq, I mentioned a proposed agreement regarding the U.S. attorney legislation. I anticipate that agreement will be able to be reached soon, which would eliminate the necessity of a cloture vote on the motion to proceed on the legislation. If no agreement is reached, then once we dispose of the Iraq resolution, a cloture vote would occur automatically on the motion to proceed to the U.S. attorney legislation.

As the day progresses, I will have more to say about the schedule after conferring with the Republican leader.

RECOGNITION OF THE MINORITY LEADER

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

REACHING AN AGREEMENT

Mr. MCCONNELL. Mr. President, let me just indicate that Republican Senators will be voting for cloture on the motion to proceed. The majority leader has it entirely correct. He and I will be discussing during the course of the day how to proceed, both on the Iraq issue and on the U.S. attorney proposal, and we will be, as I indicated, trying to reach an agreement on both of those matters.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I haven't had a chance to confer with the distinguished Republican leader. I would like to ask unanimous consent that there be 5 minutes additional time on each side for the debate prior to the cloture vote.

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

Mr. REID. Mr. President, finally, on our side, I yield 4 minutes to Senator KENNEDY, 4 minutes to Senator LEVIN, 4 minutes to Senator BIDEN, 4 minutes to Senator NELSON of Florida, and 4 minutes to Senator REED of Rhode Island.

RESERVATION OF LEADER TIME

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

TO REVISE UNITED STATES POLICY ON IRAQ—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, there

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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will now be 1 hour 10 minutes of debate equally divided and controlled between the two leaders or their designees prior to the motion to invoke cloture on the motion to proceed on S.J. Res. 9, with the final 20 minutes for the leaders and the majority leader controlling the final 10 minutes.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, as I understand it, I have 4 minutes.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. KENNEDY. Would the Chair let me know when I have 30 seconds remaining?

The ACTING PRESIDENT pro tempore. The Senator will be notified.

Mr. KENNEDY. Mr. President, this is a defining moment. The American people are watching. The world is watching. The issue is clear: Will we stand with our soldiers by changing their mission to begin to bring them home or will we stand to keep our soldiers in Iraq's civil war? History will judge us. We can either continue down the President's perilous path or embrace a new direction. If we don't change course, we know what lies ahead: more American casualties, more American death, and more destruction. A new strategy that makes the Iraqis less reliant on our military is the best way forward. More of the same misguided policy will result in more of the same tragedy for our military. Let's try a new course and try it now.

We must proceed because Iraq is the overarching issue of our time. We are being told we need to be patient. We are being told we have to give the latest escalation a chance to succeed. But we have heard it all before. We have heard for years that this administration has a plan for success. We have heard for years that progress is just a few months away. We have heard for years that we have turned a corner. But the plans for success keep getting tossed aside for new plans, the timelines for progress keep getting extended, and we have turned so many corners that we have ended up back where we started: trying to control Baghdad.

It is time to change direction. There are too many parents who have buried their children, too many children left without their father or mother, and too many soldiers missing arms and legs and eyes and ears. It is time to change course, let the Iraqis step up to the plate and take responsibility for their own future, and begin to redeploy our troops out of Iraq.

Those of us who oppose the war are used to the administration's attacks. They have questioned our patriotism and called us defeatist. When we challenged the President's misguided policy, they accused us of having political motives and being partisan. They were wrong then, and they are wrong now. Our motives have always been clear: to protect the lives of our soldiers.

The American people are far ahead of the administration. We have an obligation to stand up for our troops and stand up to our President when he stubbornly refuses to change course in Iraq. We are meeting our responsibility by changing the mission of our military, not micromanaging the war.

The recent hearings on Walter Reed should instruct us here today. They tell us how little faith we can put in this administration. The very people who hide behind the troops when their policies are questioned have failed to keep faith with our wounded soldiers. But just as importantly, the hearings on Walter Reed remind us all of the human costs of the war. This administration has done all it can to hide them from us. They have forbidden photographs of the coffins flown back from Iraq. The President has avoided attending the funerals of the fallen, and the tours at Walter Reed never included Building 18. But the hearings on Walter Reed swept away all the spin and camouflage and put our wounded soldiers back where they belong: at the heart of our debate about the war.

At the end of those hearings, everyone agreed that the Army had failed these brave soldiers. But we failed them long before they arrived at an Army hospital. This administration failed them when it trumped up the intelligence in order to make the case for war.

The ACTING PRESIDENT pro tempore. The Senator has 30 seconds remaining.

Mr. KENNEDY. I ask unanimous consent for 30 additional seconds.

It failed them when it sent too few troops with too little armor. It failed them when it turned the reconstruction of Iraq into a political science project.

We in the Senate will fail them today if we do not vote to change course and to bring our soldiers home.

At the end of this debate, the American people will know where each of us stands. On our side of the aisle, we stand with the American people. The voters told us in November to change course and begin to bring our troops home, and that is what we are going to do. We stand for our constitutional system in which the Congress speaks for the people in matters of war and peace and can require that the President listen to them. Finally, we stand with our troops. We alone are insisting on a policy worthy of their courage and worthy of their sacrifice.

Peace and progress in Iraq must be earned by the Iraqis and their neighbors. We must no longer send our brave soldiers into an uncertain fate on the streets of Baghdad. Bring them home to the heroes welcome they have earned.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I ask unanimous consent that I be recognized for the first 15 minutes, followed, in the order in which people are recognized, by Senator MARTINEZ for 5 minutes and Senator ALEXANDER for 10 minutes.

Mr. LEVIN. Mr. President, reserving the right to object, is this dividing the hour of debate on the motion to proceed?

Mr. MCCAIN. Yes.

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

The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I amend my request. Delete Senator MARTINEZ; just Senator ALEXANDER for 10 minutes. I believe that would leave me or other speakers an additional 5 minutes, according to the division of time.

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

Mr. MCCAIN. Mr. President, no matter we will debate this year is as important as the future of America's involvement in Iraq. The decisions we make will shape the future of the Middle East, the conduct of American foreign relations, the security of our Nation, and the lives of our countrymen.

Just as each of us will use our best judgment to find answers to the problems we face in this war, so too must we heed the moral implications of our judgments regardless of the political ramifications. Matters of war and peace impose responsibilities on us that mock our other less solemn obligations in which partisan or personal considerations may be expected to have a less injurious effect.

I must admit to some bewilderment at the way in which the proponents of the resolution authored by the majority leader have chosen to proceed. They do not support the President's plan to send additional troops to Iraq as one element of a broader effort to stabilize that violence-torn country. They believe the Senate should be on record as opposing the plan to augment our forces. Fair enough. Let's have this debate, and if any Senator believes our Nation is embarking on a misguided approach, he or she has not just the right but the obligation to oppose it vigorously. Such is our responsibility as elected officials in a Congress that possesses the constitutional power of the purse.

Yet we debate today not legislation that would defund the war but, rather, a new resolution authorizing again the use of military force in Iraq. Having authorized the President to use military force in Iraq in 2002, the sponsors of this new resolution would attempt to legislate our troops' mission in midstream. They would not declare war, nor end it, as the Constitution provides, but micromanage it. I ask my colleagues: Is such micromanagement of warfare the responsibility of this body? The Supreme Court has said in the past that the conduct of campaigns is the province of our Nation's executive branch, not a task for lawmakers. Yet S.J. Res. 9, by choosing particular

missions for U.S. forces in Iraq and forbidding others, would attempt to exercise the power properly reserved for the Commander in Chief of our Armed Forces.

When Congress authorized this war, we committed America to a mission that entails the greatest sacrifice a country can make, one that falls disproportionately on those Americans who love their country so much they volunteer to risk their lives to accomplish that mission. When we authorized this war, we accepted the responsibility to make sure they could prevail. When we voted to send them into battle, we asked them to use every ounce of their courage and fortitude on behalf of us.

Now it is only right that we, the elected officials entrusted with overseeing the future of our soldiers' involvement, exercise a lesser magnitude of courage, our political courage, on behalf of them and the country they serve. If any Senator believes that our troops' sacrifice is truly in vain, the dictates of conscience demand that she or he act to prevent it. Those who would cut off all funding for this war, though I disagree deeply with their position and dread its consequences, have the courage of their convictions, and I respect them for it. If, on the other hand, you believe, as I do, that an increase of U.S. troops in Iraq, carrying out a counterinsurgency mission and coupled with critical political and economic benchmarks to be met by the Iraqi Government, provides a better—and perhaps the last—chance for success in Iraq, then you should give your support to this new strategy.

It may not be popular nor politically expedient, but we are always at our best when we put aside the small politics of the day in the interest of our nation and the values upon which they rest.

Mr. President, allow me to turn to the substance of this resolution. After stating, twice, that the conflict in Iraq requires principally a political solution, it would legislate the withdrawal of U.S. forces in Iraq. Let me ask the sponsors of this resolution precisely what assumption is behind this construction. Is it that all hope is lost in Iraq, that we have lost the war and thus must bring our troops home? Or is it the proponents' contention that by withdrawing troops we will actually maximize the chances of success?

Can we, by withdrawing our troops from Iraq, actually increase the stability in Iraq rather than risk catastrophe, and induce a political solution rather than make it less possible? Is success in Iraq as simple as issuing redeployment orders, a move blocked only by stubborn commanders and civilian authorities?

General David Petraeus, for one, believes that it is not. Of course the dire situation in Iraq demands a political solution. That is undeniably true. But a political solution among the Iraqis cannot be simply conjured. It is impossible for meaningful political and economic activity to take place in an environment as riddled with violence as Baghdad is today. Security is the precondition for political and economic progress, and without security, we will not see the political settlement all of us agree is necessary.

Until the government and its coalition allies can protect the population, the Iraqi people will increasingly turn to extra-governmental forces, especially Sunni and Shiite militias, for protection. Only when the government has a monopoly on the legitimate use of force will its authority have meaning, and only when its authority has meaning can political activity have the results we seek.

The presence of additional forces could allow the Iraqi government to do what it cannot accomplish today on its own—impose its rule throughout the country. Toward that end we have begun executing a traditional counterinsurgency strategy aimed at protecting the population and controlling the violence. In bringing greater security to Iraq, and chiefly to Baghdad, our forces can give the government a fighting chance to pursue reconciliation.

This does not imply that reconciliation is the inevitable outcome of a troop surge. On the contrary, there is no guarantee of success. What the situation demands is not a guarantee, but rather a strategy designed to give us the best possible chance for success. This, I believe, is what the new plan represents. It gives America and the Iraqis a better chance to avoid the catastrophic consequences of failure.

Catastrophic failure is, on the other hand, what many of us fear is on offer should the proponents of this resolution prevail. They would shift the focus of our commanders and troops from establishing security in Iraq to three limited objectives: protecting coalition personnel and infrastructure, training and equipping Iraqi forces, and conducting targeted counter-terrorism operations.

Let us think about the implications of ordering American soldiers to target ''terrorists,'' but not those who foment sectarian violence. Was the attack on the Golden Mosque in Samarra a terrorist operation or the expression of sectarian violence? When the Madhi Army attacks government police stations, are they acting as terrorists or as a militia? What about when an American soldier comes across some unknown assailant burying an IED in the road? The obvious answer is that such acts very often constitute terrorism in Iraq and sectarian violence in Iraq. The two are deeply intertwined, and that is one reason why progress has been so difficult. To say that targeting terrorist violence is allowable while stopping sectarian violence is illegal flies in the face of this reality.

The three limited missions contained in this resolution would prohibit intervention to stop genocide, should that terrible consequence unfold as a result of our withdrawal. Can we really expect American soldiers and Marines to turn their backs while ethnic cleansing on a Rwanda-like level of violence occurs in Baghdad? I don't think it is realistic or right to expect Americans to observe another Srebrenica on a truly epic scale occur, and do nothing to stop it. And I don't think it is realistic to think that we can somehow ameliorate its catastrophic consequences for the rest of Iraq and the region by continuing to chase insurgents and al-Qaida terrorists on search and destroy missions or stretching our forces along its borders to prevent other nations from intervening more forcefully to support whichever side they find their interests aligned with.

I've heard some argue that Iraq is already a catastrophe, and we need to get our soldiers out of the way of its consequences. To my colleagues who believe this, I say, you have no idea how much worse things could get, indeed, are likely to get, if we simply accede to the sectarian violence in Baghdad. It is a city of six million people, two million of whom are Sunni. Without U.S. forces there to attempt to prevent it from descending further into the sectarian warfare, and all of its citizens turning to the militias and insurgents to protect them, the bloodshed and destruction we have witnessed to date will be but a suggestion of the humanitarian calamity to come.

The President, under this legislation, would have to begin redeployments within 120 days, and nearly all troops would have to leave Iraq by March 31, 2008. Why were these dates chosen? Why these and not others? Why dates for withdrawal, rather than conditions? Such mandates are a retreat, not a strategy, and we should be honest about the character of such a proposal.

Iraq is not Vietnam. We were able to walk away from Vietnam. If we walk away from Iraq now, we risk a failed state in the heart of the Middle East, a haven for international terrorists, an invitation to regional war in this economically vital area, and a humanitarian disaster that could involve millions of people. If we walk away from Iraq, we will be back—possibly in the context of a wider war in the world's most volatile region.

All of us want to bring out troops home, and to do so as soon as possible. None of us, no matter how we voted on the resolution authorizing this war, believes the situation that existed until recently is sustainable. None of us can say we have proposed a course of action that will achieve certain success. The hour is late. The situation is, indeed, dire.

But all of us have a responsibility to withstand despair to make sound, informed judgments about how to proceed from here, and to defer our own interests and political considerations to considerations of what is in the best interests of our country. Presidents don't lose wars. Political parties don't

lose wars. Nations lose wars and nations suffer the consequences. Those consequences are far graver than a lost election.

When a nation goes to war, a million tragedies ensue. None are more painful than the loss and injury of a country's finest patriots. It is a terrible thing, war, but not the worst thing. The men and women we have sent into harm's way understand that. They, not us, have endured the heartache and deprivations of war so that the worst thing would not befall us, so that America might be secure in her freedom, The war in which they fight has divided Congress and the American people. But it has divided no American in their admiration for them. We all honor them. We are all—those who supported the decision that placed them in harm's way and those who opposed it—we are all humbled by their example, and chastened in our prideful conviction that we, too, in our own way, have offered our country some good service. It may be true or it may not, but no matter how measurable our own contributions to this blessed and beautiful country, they are a poor imitation of theirs. I know we all know how little is asked of us compared to their service, and the solemn and terrible sacrifice made by those who will never return to the country they loved so well.

In the last few weeks some of those brave men and women have learned their tour in Iraq will last longer than they were initially told. Others have learned that they will soon return to combat sooner than they had been led to expect. It is a sad and hard thing to ask so much more of Americans who have already given more than their fair share to the defense of our country. Few of them and their families will have greeted the news without feeling greatly disappointed and worried, and without offering a few well deserved complaints in the direction of those of us who have imposed on them this additional hardship. Then they will shoulder a rifle and risk everything—evetything—to accomplish their mission, to protect another people's freedom and our own country from harm.

May God bless and protect them. And may we, their elected representatives, have the political courage to stand by our convictions, and offer something more than doubts, criticism, or no confidence votes to this debate. They deserve more than that.

I know that every Member of this body is united in our regard and concern for them. I know every Member of this body is struggling to understand the best way forward to avoid complete failure in Iraq. But whether this resolution carries or not, these soldiers and marines are going to deploy to Baghdad. If we are certain that despite their courage and devotion they cannot succeed, then take the action the Constitution affords us to prevent their needless sacrifice. If we are not prepared to take that action, then let us do everything in our power to help them succeed. Those are the only responsible, the only honorable choices before us. There are no others. I wish there were. But here we are, confronting a political, military and moral dilemma of immense importance, with the country's most vital security interests and the lives of the best Americans among us at stake. May God grant us the wisdom and humility to make this difficult judgment in our country's best interests only, and the courage to accept our responsibility for the consequences which will ensue.

I yield the floor and reserve the remainder of my 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, our troops don't lose wars; bad policy and bad leadership lose wars. We should have the courage to stand up and tell the administration they have had a Godawful policy. They put our troops in a position that, in fact, has made it virtually impossible for them to succeed at the outset. They deserve a policy, a plan, but there is no plan.

We went to war with too few troops, we went to war unnecessarily, and we went to war with men and women who were ill-equipped, and they are coming home ill-served. It is about time we have the courage to stand up and say to the President: Mr. President, you have not only put us in harm's way, you have harmed us. You have no policy, Mr. President.

I am so tired of hearing on this floor about courage. Let's have the courage to tell the administration to stop this ridiculous policy they have.

We are taking sides in a civil war. I was there in Srebrenica. I was in Tuzla. I was in Sarajevo. I was in Brcko in the Balkans. How did we solve that? We solved that with a policy of separating the parties.

This is a cycle of self-sustaining sectarian violence that 20,000, 30,000, 50,000, 100,000 Americans will not be able to stop. This is ridiculous. There is no plan. I ask the President and everyone else who comes forward with a plan, whether it is capping or surging or whatever they have: Will it answer the two-word test: Then what? Then what? Then what? What happens after we surge these women and men?

And by the way, he said General Petraeus is one who believes. He may be the only one who believes this is a good idea. Virtually no one else thinks it is a good idea. Look, in this story about the Constitution, we gave the President specific authority, which is our responsibility. It was to take down Saddam, if need be, it was to get rid of weapons of mass destruction that did not exist, and it was to get compliance with the U.N. resolution. Every one of those have been met. Saddam is dead, there were no weapons, and Iraq is in compliance with the U.N.

So if one wants to be literal about it, his mission no longer has the force of law. Everyone I have spoken with, including from the Biden-Gelb plan straight through to the Iraq Study Group, says: Look, use our troops wisely; use them wisely. What are their missions? We have the right and obligation constitutionally, and we should have the courage constitutionally, to exercise our responsibility to say: Why are our troops there?

Did anybody on this floor, did anybody count on the utter incompetence of this administration when they were getting the authority they were getting? Absolute incompetence. I stood on this floor 3 years ago saying we need another 100,000 troops before the sectarian violence became self-sustaining and warned, as others did, that once it did, all the king's horses and all the king's men could not hold that country together.

So what is our objective here? Our objective is to leave Iraq relatively stable within its own borders, not a threat to its neighbors and not a haven for terror.

What is the President and my friend from Arizona and others insisting on? What can never be: a central government that is a democracy that is going to be fair to the rest of its citizens. It is not possible, mark my words.

So as long as the President keeps us on this ridiculous path, taking us off a cliff, I ask my colleagues: Does anybody think they are going to be able to sustain keeping American forces in Iraq at 160,000 for another year and a half? What do you think? What do you think is going to happen in Tennessee, in Delaware, in Illinois? Are we going to break this man's and woman's Army? What are we going to do here? How many times do we have to ask those 175,000 marines to rotate, three, four, five, six, seven times?

And what is the President's political solution? I love this. Everyone says there is no military solution, only a political solution. Name me one person who has come up with a political solution—one—other than me and Les Gelb.

There is a political solution. It is what history teaches us. When there is self-sustaining sectarian violence, there is only one of four possibilities:

They either, one, expire, kill one another off; two, you impose a dictator; three, you have an empire; or, four, you have a Federal system.

Mr. President, I ask unanimous consent for 30 more seconds.

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

Mr. BIDEN. Mr. President, I am tired of hearing about courage. The only courage being evidenced in this country is by those folks out on the battlefields getting shot at, getting killed. Why are they there? Let's get on with this. This is the only rational way to move.

All this malarkey about cutting off funds—this is about the mission.

Mr. President, you are leading us off a cliff. Stop.

I yield the floor.

The ACTING PRESIDENT pro tempore. The assistant majority leader.

Mr. DURBIN. Mr. President, it is my understanding that when we allowed the unanimous consent request for the Senator from Arizona, it gave 5 additional minutes to the minority. I ask unanimous consent that the majority have 5 additional minutes so we have equal time in this debate.

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

Who seeks time? The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, next Tuesday will mark the start of the fifth year of the war in Iraq. Our Nation has spent almost $400 billion now in Iraq and is spending an average of almost $9 billion in U.S. taxpayers' funds per month. More importantly, we have lost almost 3,200 American service men and women and have suffered almost 24,000 wounded.

The resolution before us is aimed at turning the responsibility for the future of Iraq over to the Iraqis themselves. Last year, we adopted a resolution which said that calendar year 2006 was going to be a period of significant transition to full Iraqi sovereignty with Iraqi security forces taking the lead for the security of a free and sovereign Iraq, thereby creating the conditions for a phased redeployment of U.S. forces from Iraq. That was over a year ago.

We were supposed to be through a year of significant transition by now. It has not happened. The only way it is going to happen is if this Congress makes it happen.

Many of us have long maintained it was necessary that pressure be placed on the Iraqis to come together politically because only a political settlement could bring about the end of sectarian violence in Iraq and the defeat of the insurgents.

I have recounted how Ambassador Khalilzad and even President Bush have told me a number of statements that many of us have made—that we should begin to reduce our presence in Iraq—were, indeed, useful statements, useful in an effort to prod the Iraqis to reach a political settlement.

Those words—the words of President Bush, Ambassador Khalilzad, and recently Secretary Rice—words prodding the Iraqis to take responsibility, telling the Iraqis the open-ended commitment is over, telling the Iraqis we must begin to reduce our presence in 4 to 6 months are useful words for the Iraqis to hear.

The problem is it is not the President who is speaking those words. The problem is the administration has not adopted those words as a matter of policy. Now it is time for Congress to explain to the Iraqis: It is your country. We cannot save you from yourselves. It is time for us, the Congress, to tell the Iraqis as a reminder that it is their own Prime Minister, Mr. Maliki, who acknowledged the following when he said a few months ago:

> The crisis is political, and the ones who can stop the cycle of aggravation and bloodletting are the [Iraqi] politicians.

A few weeks ago, Ambassador Khalilzad said in an interview on television that the congressional debate is ''useful in one way. It does send a message to the Iraqis that the patience of the American people is running out, and that is helpful to my diplomacy.''

I wish to repeat this because there are a number of Members of this body and there are a number of members of the administration who have attacked this debate as somehow or another undermining our troops. It is quite the opposite. We support our troops when we give them our best thinking as to how to succeed in Iraq. It is good for our troops to have a debate in this democracy about whether a course is failing or succeeding and, if it is not succeeding, to offer our best thoughts as to how to make it succeed.

Our troops deserve everything we can give them. They haven't gotten it. They deserve the best equipment. They didn't get it. They deserve treatment when they come to our hospitals. They didn't get it. They deserve our best thinking, our honest thoughts as to how we can succeed in Iraq, how can we change course from a failing course to one which succeeds.

We know there is no military solution in Iraq, there is only a political solution, and that must be achieved by the Iraqis themselves. We cannot save the Iraqis from themselves. It is their country. After 4 years of shedding American blood and American treasure, it is long overdue that the Iraqi leaders be told, not just by this Congress, although we alone apparently will do it, but by the administration that they and they alone have the responsibility, the capability, and the power to make Iraq a country instead of a place of civil strife.

This resolution we are about to embark upon will end the open-ended commitment of American military forces that is not working. We must change this course. Only the Iraqis can save their country, and we will be helping to force them to do that. It shouldn't be necessary, but it is. We will be helping to force the Iraqi leaders to save their country if we step up finally and say: We have been there longer than we were in World War II. We have been in Iraq longer than we fought the Korean war. Iraqis leaders, only you, and you alone, can decide: Do you want a civil war or do you want a nation? We hope you choose a nation.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Tennessee is recognized for 10 minutes.

Mr. ALEXANDER. Will the Chair let me know when 2 minutes remain, please.

The PRESIDING OFFICER. The Senator will be notified.

Mr. ALEXANDER. Mr. President, my purpose today is to say I believe it is time for President Bush to take the Iraq Study Group report down off the shelf and use it for something other than a bookend. But first let me say something about the resolution that we are about to consider.

There is a reason why we don't have 535 commanders in chief or 100 commanding generals each saying: Charge down this street or over that hill. The Founders of our country made the President the Commander in Chief and gave to Congress the power to declare war and pay for it. That is why I will vote against this resolution and any of the resolutions that seek to micromanage the war. Once a war is authorized, as this one was by a bipartisan vote of 77 to 23 in 2002, it is the President's job to manage the war.

As an example of why we don't need 535 Members of Congress micromanaging the war, consider this: Since last January, the new Democratic majority has offered 17 different bills and resolutions outlining what we ought to do in Iraq, and there will be more coming in the next few weeks, I am sure.

I am not about to cut off funds for General Petraeus's troops in the middle of the current military exercise, which clearly Congress has the power to do but should not do.

I have—and each of us has—the responsibility as a Senator to say what I believe is the right way forward for our country in Iraq, and my belief is this: The President would be wise to take down off the shelf the recommendations of the bipartisan Baker-Hamilton Iraq Study Group to develop a strategy based on those recommendations and to ask Americans to accept that strategy as the right way forward in Iraq.

I believe the President would have been wise to do that in January during his State of the Union Address. The country was then looking for a new way forward in Iraq. The Iraq Study Group, after 9 months of careful bipartisan work, offered such a plan. Instead, the day after the report was announced in December, some who wanted another 100,000 or 200,000 troops to win the war said the report was a recipe for defeat. On the other side, those who wanted the United States out of Iraq immediately dismissed the report as more of the same. So the report was put on the shelf. That is, until lately.

Lately, the President's National Security Adviser has cited the Baker-Hamilton report as authority for the surge of troops in Baghdad, which, in fact, on page 73, the report did say might be necessary. Over the weekend, the United States participated in meetings with Syria and Iran, perhaps the most controversial recommendation in the report. The timetable and strategy for reducing our combat strength in Iraq contained in the new Democratic Senate resolution sounds very much like the Iraq Study Group, calling for combat troops to be largely withdrawn from Iraq by next March. But the Iraq

Study Group specifically opposed setting timetables or deadlines for withdrawal, noting that its recommendation should be ''subject to unexpected developments on the ground.''

At the same time, like one of the Republican-sponsored resolutions, the Iraq Study Group recommended the United States work closely with Iraq's leaders to support the achievement of certain ''milestones.'' In short, if there is any bipartisan consensus emerging about how the United States should go forward in Iraq, the best blueprint of that consensus can be found in the report of the Iraq Study Group.

The membership and process of the Iraq Study Group is as important as the substance of what it said. It included some of America's most distinguished citizens from the Reagan and Carter and the first Bush administrations, from the Congress, and the Supreme Court. One of its former members is today's Secretary of Defense. It was ideologically and politically diverse. The group spent 9 months, met 9 times, including a trip to Baghdad, interviewed 171 individuals, and made 79 specific recommendations.

Its assessment of the ''dire'' current conditions in Iraq was honest and sober. It didn't shy away from bad news—that 79 percent of Iraqis have a mostly negative view of United States influence in their country; that 2,900 Americans at that time had been killed, with another 21,000 wounded; that we had spent roughly $400 billion, and that estimates run as high as $2 trillion on this war. The group acknowledged its recommendations weren't perfect, but were the best options.

As much as America needs a new strategy in Iraq, we also need a consensus in support of that strategy. To put it bluntly, a majority of the American people do not now have confidence in the President's course in Iraq. The Iraq Study Group offered the President an opportunity to say, okay, here is a different approach suggested by a bipartisan group of distinguished Americans. It is not my strategy, it is theirs. The President could say, I accept it, and for the good of our country and the Armed Forces fighting for it, I ask you to accept it.

Such a statement would not exhibit Presidential weakness. That would be Presidential leadership, recognizing that the President's job is not only to choose the right strategy but to successfully persuade at least half the people he is right. The President still has this option before him. I respectfully suggest he would be wise to exercise it today, this week. Come back to Congress, report on the progress of the last few weeks in Iraq, invite the Iraq Study Group members to sit in the gallery, compliment their work, accept their recommendations, and ask the Congress and the country to also accept their recommendations.

Now, this course won't satisfy those who want another 100,000 or 200,000 more troops to win the war in Iraq. Neither will it satisfy those who want all troops out on a specific timetable. But it will get United States troops quickly out of the combat business in Iraq and into the support business. It will reduce the number of American forces in Iraq over the next year. It will leave American special forces in Iraq to go after al-Qaida and the troops to help guard the borders, because there would still be a limited United States military presence. It will send a signal to the rest of the Middle East to stay out of Iraq. It will give support to General Petraeus and his troops, who are in the midst of a surge to make Baghdad safer. It will expand diplomatic efforts to build support for Iraqi national reconciliation and sovereignty, including with Iraq's neighbors. And it will recognize, or at least begin to recognize, that America has done most of what it can do to help Iraq. As Prime Minister Tony Blair has said, it is time for the next chapters in Iraq's history to largely be written by the Iraqis themselves.

Finally, this course will recognize that while the United States can and should be a shining example of democracy, and while the United States does have the mightiest military force in the world, a conservative view of human nature and our own national interest places limits on what we can do to make it possible for others to adopt our democracy and to adopt our way of life.

Mr. President, I yield the floor.

Mr. REED. Mr. President, I rise to express my strong support for the United States policy in Iraq Resolution of 2007. I think it represents a sound policy and strategy that will help us achieve our objectives not only in Iraq but in the region, and not only in the region but across the globe.

Let me first begin by saying I have heard many of the opponents suggest this Senate has but one choice: either to cut off funding or to allow the President to continue to pursue any policy he feels is appropriate. That is a false choice, similar to the false choice the President presented to this Senate in 2002 and 2003. That choice was that we could either invade Iraq or step back and watch them morph into a much more serious threat. In fact, there were diplomatic options. There was the possibility of effectively using U.N. inspectors. So I don't think we should engage in discussions of false choices. We have the authority constitutionally to adopt policies, to shape what the President does, and that is the essence of this resolution.

Just today, the New York Times' Walter Dellinger and Christopher Schroeder wrote an op-ed piece which bears on this point. They say the Supreme Court has long recognized Congress's authority to set limits on the President's military power, as in 1799, when it accepted Congress's power to authorize the seizure of ships going to but not coming from French ports. Talk about micromanagement; that is micromanagement.

That is not what our Iraq resolution does. We are laying out policy objectives, a changed mission, which I think will enhance the ability of military forces in the United States to do their job and to protect our country.

The Dellinger piece goes on to say, ''More important, the legal advisers of presidents have themselves repeatedly recognized this congressional power. When former Chief Justice William Rehnquist was President Reagan's chief legal adviser in 1970, he flatly rejected the all-or-nothing claim.'' In Rehnquist's words, ''It is both utterly illogical and unsupported by precedent to think Congress may not delegate a lesser amount of authority to conduct military operations.''

That is essentially what we are talking about today. We are trying to redefine the mission so that it is consistent with the highest purposes of American national strategy. This mission would, first, recognize we have to protect our forces, giving the Commander in Chief broad discretion in protecting those forces; second, that we have an ongoing obligation to help train Iraqi security forces, which is absolutely critical; and, third, that we have the ongoing obligation to go after the terrorists wherever they may be. We did this in Somalia a few weeks ago when we had information of al-Qaida operatives. We had much cooperation on the ground and we went in there. That is the same option we must pursue in Iraq and every place else. These are the three missions that are most consistent and most important to our national strategy.

Also, this resolution begins a phased redeployment; not a rigid, inflexible timetable, but starting a date where we begin to pull out combat forces, leaving, of course, forces to carry on this mission of training Iraqi security forces, going after the terrorists, and protecting our own forces. Our goal, and it is strictly a goal, is that these combat brigades should be out of the country, we hope, by March of 2008.

This is a policy that I think will work, a policy that will be supported by the American people, and a policy that will encourage, I think, the political solution that is necessary. As everyone has noted, the answer to Iraq is not going to be achieved by military means. It will be achieved by political means. General Petraeus has said that. These are his words: ''There is no military solution to a problem like that in Iraq, to the insurgency of Iraq.''

We have to have, and this resolution calls for, the application of diplomatic power, support for the creation of functioning institutions in Iraq that can provide both the kind of political progress and economic progress these people demand, tangible signs that their Government will function. That is what we are encouraging and directing in this policy.

This policy makes sense and it is well within not only the obligation of this

Congress but the constitutional power of this Congress.

Mr. President, I request an additional 1 minute to be yielded from the time of the leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, what the President is suggesting to us, his policy, is more of the same for a much longer period of time. As we all know, recently General Odierno suggested this surge is probably going to last not until the end of this year but into next year, and probably into the following year. That is putting a huge strain on our troops.

I think also we have to recognize our focus in Iraq, our preoccupation with Iraq, is inhibiting our strategic flexibility across the globe. It has enhanced the relative power of Iran, ironically, and it has caused us, belatedly, to begin serious negotiations with North Korea, which might be a profitable and progressive thing to do, but the focus on Iraq is serious.

Let me tell you, one of the most interesting comments that I have heard is when I asked Admiral McConnell, the head of our intelligence establishment, where is the most likely threat coming from, engaging in an attack on the United States, Pakistan or Iraq? He answered quite quickly: Pakistan.

We have to change our policy. This resolution will do that, and I urge its support.

Mr. DURBIN. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. There is 5 minutes 15 seconds.

Mr. DURBIN. Mr. President, I ask that you notify me when there are 2½ minutes remaining.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, the question is: What is our duty? We know what the duty of our soldiers will be when they raise their hand and take an oath to serve our country. They agree to risk their lives for America. They follow orders. They follow the lead of their commanders. They march into battle. Some come home and some do not. But what is the duty of the Congress? What is our responsibility when it comes to war?

First, of course, was the authorization for the use of force. President Bush came to us and said, I want to have the authority to invade Iraq for three reasons: No. 1, to get rid of the dictator Saddam Hussein; No. 2, to destroy weapons of mass destruction; and No. 3, to make sure the country lives up to the requirements of the United Nations resolutions.

Many of us felt at the time that America was being misled about the real danger in Iraq. Some of us, some 23 Senators, voted against the authorization of force back in October of 2002. But as we take a look at that scene in Iraq today, we realize that all three of those things have been accomplished. Saddam Hussein no longer exists, weapons of mass destruction never existed, and there is no question about complying with the United Nations resolutions.

So the obvious question is: By what authority is America still there? By what authority do 150,000 Americans now risk their lives while we stand in the safety of this Chamber?

This resolution seeks to define our mission today in realistic terms. If the President had come to Congress 4 years ago and said, I want the authority to send American troops into the middle of a civil war in Iraq, a war that has been brewing for 14 centuries between warring Islamic factions; I want American soldiers on the street risking their lives every day until the Iraqis resolve this age-old dispute, do you think we would have approved that authorization of the use of American force? Of course not. It would have been pure folly.

Sadly, the situation today has no clear mission, and that is the reason for this resolution. This resolution makes it clear the Iraq Study Group, Democrats and Republicans, men and women who served our country so well in public service, would have a chance to step forward and come up with a plan that makes sense for America to start coming home, and that is what this resolution says.

The PRESIDING OFFICER. The Senator has 30 seconds remaining.

Mr. DURBIN. Who wants America to come home at this point? The American people do. The Iraqi people want us to leave. In fact, the Iraqi leadership has said it is time for us to start withdrawing our troops. The resistance to bringing our troops home comes from the other side of the aisle and from the White House. They believe we need more troops.

How often will America respond when the Iraqis pick up the phone and dial 9–1-1 to send another 20,000 of our best and bravest to go into battle? It is time for the Iraqis to stand and defend their own country. It is time for the American forces to start to come home. It is time for us to acknowledge that they have done their job and done it well. We have lost almost 3,200 American lives; 24,000 have been injured. We know among those injured many have not been greeted as they should have been. They have been sent to flophouse rooms at Walter Reed's Building 18. They have been pushed through the bureaucracy of the Veterans' Administration. For those who say they support our troops, they will have a chance to prove it soon, as we start trying to put the resources we need into the military and VA, to help our troops as they return.

This resolution is an opportunity for this Congress to speak to the reality of what is going on in Iraq today, and the reality suggests that it is time for American forces to start to come home; not more forces in harm's way but more forces coming home to be greeted by us, as Americans, for the fine job they have done. We cannot blame them if the mission has been lost over the last 4 years. They had nothing to do with that. But we can make it clear that our future mission is going to be one we can define precisely: to stop terrorism, to train the Iraqis so they can defend themselves, and to protect our own troops. Those are clear missions.

For those who resist this resolution, the obvious question is this: What do you think our mission is today? Is it simply to send more and more troops into harm's way, that they would risk their lives? I think not.

For those who argue that we are micromanaging the war, I guess my question for them is, isn't it time that somebody managed this war? Isn't it time, when it came to troops and mission and equipment, that we clearly had a management plan that our troops deserve?

For those who argue that we are cutting off funding, they have not read the resolution. We are not cutting a penny from the troops and the money that they need to come home safely. But we are saying that our mission has to be clear and our troops have to come home.

I urge my colleagues on both sides of the aisle to support what the American people want, the redeployment of our fine troops back to America.

The PRESIDING OFFICER. The time of the Senator has expired. The Republican leader is recognized.

Mr. McCONNELL. Mr. President, today Senate Republicans will agree to move to debate on an important question, and that question is this: Should a majority of Senators direct activities in the war in Iraq? Republicans are eager to engage in this debate on the Reid resolution because it is different in kind from any of the previous Democratic proposals—very, very different.

It is unprecedented in the powers it would arrogate to Congress in a time of war. It is a clear statement of retreat—a clear statement of retreat from the support that the Senate only recently gave to GEN David Petraeus, and its passage would be absolutely fatal to our mission in Iraq.

Previous resolutions proposed by the Democrats were a mere statement of opinion or of sentiment. This one has a binding quality. It would interfere with the President and General Petraeus's operational authority to conduct the war in Iraq as he and his commanders see fit. It would substitute for their judgment the judgment of 535 Members of Congress.

The judgment they have made in this, that Iraq is simply a distraction on the Global War on terror and that U.S. troops should begin to withdraw in months, with all combat forces leaving within a year—that is the judgment that the Reid proposal makes. This is the memo that our enemies have been waiting for. Osama bin Laden and his followers have repeatedly said that the United States does

not have the stomach for a long fight with the terrorists. Passage of the Reid joint resolution will be the first concrete sign since September 11, 2001, that he was right on target.

Timetables are bad, but don't just take my word for it. Speaking at the National Press Club in 2005, my good friend, the majority leader himself, said this:

> As for setting a timeline, as we learned in the Balkans, that's not a wise decision, because it only empowers those who don't want us there, and it doesn't work well to do that.

Six months after the majority leader made that observation, the chairman of the Foreign Relations Committee, Senator BIDEN, said this:

> A deadline for pulling out . . . will only encourage our enemies to wait us out. . . . [It would be] a Lebanon in 1985, and God knows where it would go from there.

That was our friend, JOE BIDEN, the chairman of the Foreign Relations Committee.

Shortly after Senator BIDEN's observation, Senator CLINTON made the same point, just 3 months after that:

> I don't believe it's smart to set a date for withdrawal.

Said Senator CLINTON:

> I don't think you should ever telegraph your intentions to the enemy so they can await you.

That is the majority leader, the chairman of the Foreign Relations Committee, and a prominent Democratic candidate for President, all on the wisdom of what this Reid proposal proposes to do, just a short time back.

Surely Senators REID, BIDEN, and CLINTON have not changed their minds about who would benefit the most—who would benefit the most if we set a date certain for withdrawal. They know just as well as I do that this is just what the terrorists have been waiting for and just what our allies in Iraq and the entire region of the world have feared.

Setting a date certain for withdrawal will send a chill up the spine of every Iraqi who has dared to stand with America. Millions of good men and women have helped us in this fight. Since we arrived in Iraq, nearly 120,000 Iraqis have volunteered to serve in their Army. More than 8,000 Iraqis have died in uniform to defend the fledgling democracy over there. And, recently, in Anbar Province, we are told that roughly 1,000 Sunnis volunteered for a police force over a couple of weeks.

These brave men and women are watching what we do. They know, as we do, that chaos will engulf Iraq and the rest of the region on that day. They know they and their families will likely face a firing squad soon after we leave. The message we send them with this resolution is this: Good luck.

General Petraeus understands the importance of the mission in Iraq and his new mission to secure Baghdad. In a recent letter to the soldiers under his command, he wrote as follows—General Petraeus said:

> The enemies of Iraq will shrink at no act, however barbaric. They will do all they can to shake the confidence of the people and to convince the world that this effort is doomed. We must not underestimate them. Together with our Iraqi partners, we must defeat those who oppose the new Iraq. We cannot allow mass murderers to hold the initiative. We must strike them relentlessly. We and our Iraqi partners must set the terms of the struggle, not our enemies. And together, we must prevail.

That is General Petraeus just recently. These are the words of the man this body sent to Iraq unanimously. They are the words of a military commander, confident yet realistic and committed above all to victory. This is the voice of courage and resolve in the face of danger. We do best to listen to voices such as this, which speak of victory rather than defeat and withdrawal. We owe it to him, his soldiers, our allies and the world.

Republicans are ready for this debate.

I have some more time, I gather?

The PRESIDING OFFICER. The Senator has a little over 6 minutes remaining.

Mr. MCCONNELL I yield back that time.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, in life you can't stand still. You either go forward or backward. If it were not such a serious matter—and it is a serious matter—to have the Republican leader go back to a statement that I made 5 years ago is what is wrong with the Republicans in this debate. Things have to change. Things change. You can't stand still. You either go forward or backward. To take a statement that I made 5 years ago and think that things haven't changed in 5 years is without any degree of sensibility.

In just a few days our country will mark a solemn anniversary: the beginning of the fifth year of a war that has raged in faraway Iraq. For the fifth year, this war has taken a tremendous toll on our country, our troops, their families, and our standing in the world. Mr. President, 3,200 Americans, soldiers, airmen, sailors, and marines have been killed in Iraq. We have seen tens of thousands of our best wounded—men and women who have come home to a health care system unprepared and ill-equipped to take care of them.

Our Army has been stretched dangerously thin. Our Treasury has been spending, week after bloody week, $2 billion, each week; $2 billion each week.

Despite these tremendous costs, despite these great sacrifices, despite the opposition to this war, Iraq continues to spiral out of control. In February, attacks in Iraq increased dramatically. Three American soldiers and 100 Iraqis died every day—every day in February. In March it seems it is going to be just as bad. Our overburdened troops, including hundreds of Nevadans, have done everything asked of them and more. It is their political leaders at home who have failed—who failed our troops and the American people. President Bush did not go to war with enough military on the ground. We all know that. President Bush didn't have a plan to win the peace, much less the war. President Bush surrounded himself with yes-men, who told him what he wanted to hear, what he needed to hear. To this day, President Bush lacks a plan to complete the mission so our troops can come home. His current strategy of more of the same is not working.

Five years into the war in Iraq the mission has changed but the Bush policy has not changed. Saddam is gone, long gone. There are no weapons of mass destruction; there never were. Iraq is in chaos. There is no stability in Iraq. U.S. troops are policing a protracted civil war, not hunting and killing terrorists who attacked us on September 11, 2001.

The original mission no longer exists. Yet President Bush wants to stay the same—the same—failed course, to surge toward more of the same, to sustain more failure.

Today, the Senate must finally send a clear message to the Commander in Chief, President Bush. That message is: It is time for a new way forward. Change course, Mr. President. The way to succeed in Iraq is not more of the same; it is to change the mission and change the course. Our country must have a surge, but that surge must not be a military surge. There must be escalation in our diplomacy.

This is the message the American people delivered to Congress on November 7, 2006. This is the message we must send President Bush again today.

In just a few moments, we will have another cloture vote. I urge my colleagues to vote to allow the debate to proceed and then vote to change the course. Vote for the resolution. Voting no today is voting to greenlight the same failed course in Iraq. Voting no today is an endorsement of 5 years of failed policy. Voting no today is an endorsement of America's continuing occupation of Iraq. Voting no today is a vote to support President Bush maintaining an open-ended commitment to keep U.S. troops in the middle of an Iraqi civil war.

But a ''yes'' vote on cloture and on the resolution—and a vote for the resolution—is a vote of hope, hope that after 4 years in this war we can finally begin to have the Iraqis control their own destiny, their own future. We can tell President Bush to change course, redeploy our troops, bring in Iraq's neighbors, and revitalize reconstruction efforts that have failed, that have fallen woefully short.

Five years into the war, is it not the time for a new direction? The answer is yes, and that direction starts by voting yes on this next vote.

I yield back my time.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate

the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 72, S.J. Res. 9, to revise the United States policy on Iraq.

Harry Reid, Carl Levin, Dick Durbin, Byron L. Dorgan, Robert P. Casey, Jr., Barbara C. Boxer, Edward M. Kennedy, Patrick Leahy, Jay Rockefeller, Patty Murray, Jack Reed, Debbie Stabenow, H.R. Clinton, Jeff Bingaman, B.A. Mikulski, Ben Cardin, Robert Menendez.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S.J. Res 9, a joint resolution to revise United States policy on Iraq, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from Washington (Ms. CANTWELL) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Ms. CANTWELL) would vote ''yea.''

The PRESIDING OFFICER (Ms. KLOBUCHAR). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 89, nays 9, as follows:

[Rollcall Vote No. 74 Leg.]

YEAS—89

Akaka	Ensign	Murkowski
Alexander	Feingold	Murray
Baucus	Feinstein	Nelson (FL)
Bayh	Graham	Nelson (NE)
Bennett	Grassley	Obama
Biden	Gregg	Pryor
Bingaman	Hagel	Reed
Boxer	Harkin	Reid
Brown	Hutchison	Roberts
Brownback	Inouye	Rockefeller
Burr	Isakson	Salazar
Byrd	Kennedy	Sanders
Cardin	Kerry	Schumer
Carper	Klobuchar	Sessions
Casey	Kohl	Shelby
Chambliss	Kyl	Smith
Clinton	Landrieu	Snowe
Cochran	Lautenberg	Specter
Coleman	Leahy	Stabenow
Collins	Levin	Stevens
Conrad	Lieberman	Sununu
Corker	Lincoln	Tester
Cornyn	Lott	Thune
Craig	Lugar	Vitter
Crapo	Martinez	Voinovich
Dodd	McCain	Warner
Dole	McCaskill	Webb
Domenici	McConnell	Whitehouse
Dorgan	Menendez	Wyden
Durbin	Mikulski	

NAYS—9

Allard	Coburn	Hatch
Bond	DeMint	Inhofe
Bunning	Enzi	Thomas

NOT VOTING—2

Cantwell	Johnson

The PRESIDING OFFICER. On this vote, the yeas are 89, the nays are 9. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Madam President, I am pleased the Senate has voted to allow debate on the Iraq war to go forward. It is far past time we had this important debate. It is far past time we brought our involvement in this misguided war to a close.

Under the strong leadership of Senator REID, the Democratic caucus has produced a joint resolution that takes a significant step toward ending our involvement in the war in Iraq. I support the resolution, and I hope my colleagues will do the same.

The resolution does not go as far as I would like. I continue to believe the only way we are ultimately going to end the President's failed policies in Iraq is by exercising Congress's power of the purse to safely bring our troops out of Iraq. I have introduced legislation that would do that, and I will continue to look for every opportunity to bring up my bill for a vote.

I will support this resolution because it avoids the mistakes of previous proposals to address Iraq. It does not allow the President's misguided policies to continue. It does not tacitly reauthorize the war. It does not focus solely on the so-called surge. This is binding legislation that would bring to an end our involvement in perhaps the greatest foreign policy mistake in our country's history.

Some of my colleagues continue to argue that Congress should defer to the Commander in Chief when it comes to Iraq, that we should give him the opportunity to change course in Iraq or that we should allow his escalation plan a chance to succeed. Those arguments ignore our congressional responsibilities.

Mr. ROBERTS. Madam President, would the Senator yield for a question?

Mr. FEINGOLD. Madam President, at the conclusion of my remarks, I would be happy to yield.

Congress authorized this war, and it is in our power to bring it to a close. More importantly, we have not just the power but the responsibility to end a war that is draining vital national security resources in pursuit of a goal that cannot be achieved militarily.

The political problems that are driving much of the insurgency and sectarian strife in Iraq are tragic and important. They require the attention of U.S. policymakers. They do not require—in fact, they cannot be solved by—a massive and indefinite U.S. military presence in Iraq.

Some of my colleagues raise the specter of dire consequences if we redeploy U.S. forces from Iraq. That is precisely why we need a strategic approach to redeployment, one that addresses ongoing instability and other threats, with our intelligence, diplomatic, economic and, in a limited manner, military capabilities. Not only is the continuation of this war not going to end sectarian and insurgent violence, it puts off the day when we develop a comprehensive strategy for Iraq that is sustainable, and that fits squarely within the larger struggle of fighting al-Qaida.

As long as the President's policies continue, our troops will continue to put their lives on the line, our constituents will continue putting billions of their dollars into this war, our military readiness will continue to erode, our Guard and Reserve members will continue to face heavy burdens, and our ability to respond to an array of national security challenges will continue to suffer a great deal. From Somalia to Afghanistan to the ongoing fight against al-Qaida, we face threats and challenges that require serious attention and resources. Right now, far too much of both are being spent on a single country. It is this singleminded and self-defeating policy that needs to end, and it is up to Congress to do so.

Time and again, the President has made it clear that nothing—not the wishes of the American people, not the advice of military and foreign policy experts, not the concerns of Members of both parties—will dissuade him from pursuing policies in Iraq that are not working. Faced with a clear mandate from the voters last November, the President just stalled for time, and then he announced not just a continuation but an escalation of his policy. So Congress cannot wait for the President to change course. We need to change the course ourselves.

This resolution recognizes, and acts on, that reality. It would effectively terminate the misguided resolution authorizing force in Iraq, while allowing a minimal number of troops to remain to perform very limited functions: protecting personnel and infrastructure, training and equipping Iraqi forces, and conducting certain targeted counterterrorism operations. The latter provision is a particular priority of mine, which is why my original legislation includes exactly the same language.

Clearly, the United States has an ongoing role to play in addressing the terrorist threat in Iraq. While Iraq was not a hotbed of terrorism before the President led us to war in that country, al-Qaida and its allies are trying to use the anger and frustrations unleashed by that war to their advantage. Like Afghanistan and Somalia, Iraq will need to be closely monitored to ensure that it does not become a failed state and a breeding ground for terrorism, and we must be prepared to pursue targeted missions to take out terrorists.

But maintaining 140,000 U.S. troops in Iraq is not the way to defeat al-Qaida. Military operations of any size will only succeed if they are combined with other measures—including diplomatic, economic, and intelligence measures—as part of a comprehensive strategy for defeating the terrorists who threaten our country. Al-Qaida is

not a one-country franchise; it is a global threat that requires a global response.

The Reid resolution would require the President to begin redeploying combat forces not essential to the three limited functions I just mentioned within 120 days, with a goal of finishing redeployment by the end of March 2008. While I support a faster redeployment with a firm deadline, these provisions are, in fact, binding and would make clear that the President's commitment to an open-ended, massive military mission in Iraq is over. That is what the American people want, and that is what this Congress should ensure.

Regardless of what happens this week, I believe the introduction of this resolution, with the cosponsorship of some 41 Senators, represents a significant step toward ending the war. The overwhelming majority of Democrats are saying that the war must come to a close and that they are prepared to take binding steps to do just that. The question each of us will face as this debate continues is how to best end our involvement in the war and redeploy our troops.

I look forward to the opportunity to offer an amendment to the upcoming supplemental that would actually use Congress's appropriations power to require the safe redeployment of our troops. While I do not agree with much of what has been said by those in this body who continue to defend a disastrous war, they are right about one point: If we are serious about opposing the war, we must be serious about ending funding for the war.

I am pleased the Senate has voted to allow debate on the Reid resolution to go forward. Unfortunately, however, some in this body continue to make arguments that undermine the ability of Congress to have a serious discussion about the Iraq war. They fail to recognize that this body has an obligation to address the most pressing issue facing the country today and respond to the overwhelming sentiment of our constituents. They purport to defend the President's prerogatives and the morale and well-being of our troops, but their rhetoric has the effect of trying to stifle open and honest debate.

While I cannot speak for the President, I am confident our troops, and our constituents, are ready for this debate. They know that in a democracy such as ours, discussion of major foreign policy issues can and should be conducted openly. So I am glad the Senate is beginning such a discussion today, and I will continue pushing this body to finally bring to a close our involvement in a war that has been a disaster on so many fronts.

Madam President, I am now happy to yield for a question to the Senator from Kansas.

Mr. ROBERTS. Madam President, I was just going to ask the distinguished Senator if he would yield. While I can't associate myself with all of his remarks and, as I note, the press gallery and the world will little note nor long remember our colloquy, perhaps, I wish to congratulate him for his forthrightness and his candor and his conviction.

The Senator and I have talked about the situation and about the need for full debate in regard to our national security and the war in Iraq, and I had hoped his resolution would be agreed to during the last—or the previous attempt when we only had one resolution and that was it. I had asked at that particular time, in a very similar situation—I was making a speech, and the Chamber was empty, and so I can empathize with that. But my comments were that we should consider the McCain amendment with the benchmarks, the Gregg amendment, and Senator FEINGOLD's, because his is very forthright. It is very clear and very understandable. Now, I would not vote for it, but I respect the Senator's opinion, and I respect his candor.

The Senator has been a member, a valuable member of the Intelligence Committee. I had the privilege of being the chairman of that committee. I think I am the longest serving Senator on the Intelligence Committee up to this point—10 years. It is tough work. There are a lot of times I disagreed with the Senator, but the Senator is an extremely valuable member of the Intelligence Committee. Upon learning all of the intelligence from the 19 different agencies that comprise the community, he has developed a very strong opinion. I respect that. That is what we should be doing. We should be having a full debate. I hope in voting to proceed that we at least get that full debate.

I would say to the Senator, one of my best friends is General Petraeus, who used to be the commanding general at Fort Leavenworth, at the Intellectual Center of the Army, and he wrote the counterterrorism manual for the Army. He just finished it. We talked a lot about the British experience in regards to what happened at that particular time in Iraq. It is unique, it seems to me, because what the Senator wants to do follows the same time period General Petraeus wants to inform us as to whether we are making any progress and if we can achieve stability in Iraq, and that is a mighty big ''if.''

I think by the summer at least, if we are not making progress, at that particular time we are going to have to go to a policy of containment as opposed to intervention, as the Senator has suggested. How we do that, I am not quite sure. We haven't had that debate on the Senate floor.

Now, this Senator, Mr. FEINGOLD, has called for that debate, and that is what we should be debating. It calls for a lot of different opinions.

So I congratulate the Senator. I thank him for his candor. I thank him for being forthright. I wish we could vote on the Senator's resolution this time around. Does the Senator think that is even possible?

Mr. FEINGOLD. Madam President, I wish to thank the Senator from Kansas, first of all, for his kind words and for listening to my speech and for being present to do so. He has endangered himself politically by saying kind words about me and my resolution in front of some groups who may find that a little strange. But I do enjoy working with him, and I especially enjoyed working with him when he was the chairman of the Intelligence Committee.

I, of course, want to do exactly what the Senator from Kansas has said. I want to have a debate and a vote on the approach I have suggested. As I just indicated in my remarks, I believe that is the next thing which needs to happen after we have this debate.

Just so the record is clear, though, the Democrats have agreed to vote on S.J. Res. 9 and the McCain amendment and the Gregg amendment and the Warner resolution, as well as the Reid resolution. So the Republicans objected to that.

Mr. ROBERTS. Why not the Feingold resolution?

Mr. FEINGOLD. I would like to do that, but I think probably the appropriate place to do that is the supplemental.

Mr. ROBERTS. Madam President, if the Senator would continue to yield, what if I ask unanimous consent that the Senator's amendment be made in order?

Mr. FEINGOLD. I would object on behalf of the leadership because I agreed that this should be the next step and we should take up this resolution.

I say to the Senator from Kansas, this resolution before us, the Reid resolution, makes perfect sense. What it does is it says: Look, we no longer believe the authorization that was given in 2002 makes sense, and it severely limits that resolution and moves us in the right direction. So I think that is the proper step. The supplemental bill is about to come up. I think that is the right place, given that it has to do with funding, for the type of amendment I have suggested. So I would object on behalf of the leadership.

But I do look forward very much to the day not only when we debate this but when I persuade you that it is a good idea that we cut off the funding in order to bring the troops safely home—which, by the way, is what we did—and I assume Senator ROBERTS was involved in this as well—with Somalia. The Senator remembers ''Black Hawk Down.'' He knows it well. We lost 18 people. We decided: This isn't working out. This isn't a good idea. What did the Senate do? It passed legislation that said by a certain date we will no longer fund this military mission, but it gave plenty of time to get the troops out, and they got out successfully. That is the nature of what I propose to do with an amendment on the supplemental.

Mr. ROBERTS. If the Senator will continue to yield for a question, you are talking about step 2. Step 1 is being considered, and your specific resolution would be step 2 on the supplemental.

Mr. FEINGOLD. Step 1 was our vote here in this body and in the House to say that the surge was unwise, and a majority did vote for that here, as well as in the House. This is step 2. This says that the fundamental underpinnings of this mistake should be reversed, that the resolution authorizing force in Iraq should be reversed. Yes, step 3, in my view, would be saying—to enforce it. Since the President won't listen to us, we need to turn to the ultimate power, the one the Senator from Kansas and I both agree is the appropriate power in this situation; that is, whether to use the power of the purse to remove funding.

Mr. ROBERTS. So if the Senator will continue to yield, we are on step 3 until we get to your resolution?

Mr. FEINGOLD. We are on step 2.

Mr. ROBERTS. It would be step 3 before you would think it would be appropriate to consider your resolution?

Mr. FEINGOLD. I think we would be best to do it on the supplemental. That seems to be the appropriate vehicle.

Mr. ROBERTS. I have got it. I just want to make clear, understandably, I would probably vote no—well, not probably—I would vote no on the resolution. But again, the thing that disturbs me is when we get to the what-ifs. What if we pass your resolution? What if we pass somebody else's resolution? What happens if we get the troops out? Hopefully they would not be in a situation where we have to send them back. The what-ifs on what happens to us, which you have discussed in a rare discussion on the floor, we haven't talked about that.

Mr. FEINGOLD. We need to get to that.

Mr. ROBERTS. We have an honest difference of opinion, but we have not talked about that. That is the whole point I am trying to make, that at least the Senator is trying to force the issue in making his point, and let nobody say that they challenge your patriotism or your intent or whatever. I know there is a lot of rhetoric flying around. I don't agree with that at all. I think this debate ought to take place, and this debate is not taking place. So thank you to the Senator. And I don't think I have endangered—well, maybe I have—my reputation just a little.

Mr. FEINGOLD. I think the Senator from Kansas is on shaky ground with some people now. But I think the Senator from Kansas should know that we are essentially in the heat of agreement here; the only question is the order in which it should happen. The exact questions the Senator has discussed should be debated in the Senate. I hope they are debated soon. Guess what. We just had a debate, so we are having a debate, and this is the beginning, and we will continue it.

Mr. ROBERTS. I thank the Senator.

Mr. FEINGOLD. I thank the Senator from Kansas, and I thank the Chair. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that I be allowed to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

LATIN AMERICA

Mrs. HUTCHISON. Madam President, I rise today to talk about Latin America. I think this has been highlighted by the President's trip there and the focus the President is putting on Latin America.

It is so important that we not forget our own hemisphere and some of the problems we are facing in our hemisphere.

President Bush, of course, is in Mexico right now. He is holding discussions with Mexican President Calderone. Immigration, reducing poverty, fighting drugs, and strengthening our economic relationship are all items on the agenda. This is the President's final stop on a five-nation trip that included Brazil, Uruguay, Columbia, and Guatemala.

But the President of Venezuela, Hugo Chavez, has been conducting his own tour, deliberately instigating protests and riots to disrupt the President's peaceful mission.

It is very important that we focus on Mr. Chavez and what is happening in South America because it will affect the stability of our whole hemisphere.

The problem starts in Venezuela, a nation which once enjoyed 50 years of democratic traditions but now is in the early stages of a dictatorship. Last month, elected representatives in Venezuela abdicated their responsibility and gave the Venezuelan leader sweeping power to rule for 18 months to be able to impose economic, social, and political change. These dictatorial powers would be alarming in anyone's hands but particularly dangerous in the hands of Hugo Chavez.

This strong man rules an oil-rich nation that exports 1.1 million barrels of oil to the United States per day, roughly equivalent to what we import from Saudi Arabia. President Chavez has already colluded with other OPEC nations to raise oil prices, and when he nationalizes multibillion dollar crude oil projects, that is going to make the prices rise again. This could have a severe impact on the pocketbooks of American families. According to some economists, every time oil prices rise by 10 percent, 150,000 Americans lose their jobs.

Mr. Chavez has used his nation's windfall oil profits to buy political support at home and to stir trouble abroad. He says Venezuela has a ''strong oil card to play on the geopolitical stage'' and ''it is a card that we are going to play with toughness against the toughest country in the world, the United States.''

In his struggle against U.S. imperialism, President Chavez has found a useful ally in the world's largest state sponsor of terrorism, the Government of Iran. He is one of the few leaders in the world to publicly support Iran's nuclear weapons program. The Iranian mullahs have rewarded Mr. Chavez's friendship with lucrative contracts, including the transfer of Iranian professionals and technologies to Venezuela.

Last month, President Chavez and Iranian President Mahmud Ahmadi-Nejad revealed plans for a $2 billion joint fund—$2 billion—part of which they say will be used as a ''mechanism for liberation'' against American allies.

This could help achieve the vision that Mr. Chavez has stated:

> Let's save the human race; let's finish off the U.S. empire.

Mr. Chavez has grown bolder by interfering in the elections of several Latin American countries and his own brand of politics has made some gains.

Bolivia's newly elected President, Evo Morales, has nationalized the energy industry, rewritten the Constitution, and promised to work with Mr. Chavez and Fidel Castro to perform an ''axis of good'' to oppose the United States.

The former Soviet client, Daniel Ortega, has returned to the Presidency of Nicaragua. During the 1980s, Mr. Ortega ruled his country with an iron fist until U.S.-backed freedom fighters ousted him from power. Nicaragua's democracy prospered for the next 16 years, but now he's back.

In response to the Ortega victory, Hugo Chavez said:

> Long live the Sandinista revolution.

Then, in his first week as President, Mr. Ortega met with President Ahmadi-Nejad from Iran and told the press that Nicaragua and Iran share common interests and have common enemies.

Left unchecked, Presidents Ahmadi-Nejad and Chavez could be the Khrushchev-Castro tandem of the early 21st century, funneling arms, money, and propaganda to Latin America, endangering that region's fragile democracies and volatile economies. If these two succeed, the next terrorist training camp could shift from the Middle East to America's doorstep. We need to face reality. We need to confront this threat head on.

At the pinnacle of the Cold War, President Reagan seized the initiative and repulsed Soviet efforts to set up camp, in our hemisphere, with Cuba. We should follow that lead. We should dust off the Cold War play book and become active in helping our friends to the south.

Specifically, we should adopt a three-pronged approach: Energy independence would be No. 1. We should confront the Chavez threat head on by reducing imports to the United States from Venezuela. How can we do that? We can do it by increasing our domestic energy supply and production and

accelerate innovation for renewable fuels—wind power, solar power, ethanol, biodiesel, even wave energy. Using the currents in the sea can always produce energy, and research is going on in that effort.

There is so much we can do to make our country independent from people such as Mr. Chavez and Mr. Ahmadi-Nejad and others who would try to affect our economy by raising the price of oil or cutting off the supply.

No. 2, free trade. We should try to reduce heartbreaking poverty by approving free trade agreements with friendly Latin American countries, those Latin American countries that have democracies, that want to increase their economic prosperity.

We need to reauthorize the President's trade promotion authority which expires on July 1. Free trade and working for economic prosperity in these countries is the best way to keep them free.

And No. 3, debt relief. We should help stabilize Latin America's fragile democracies by reducing their crushing debt burdens. This would empower their newly elected governments, or their elected governments that have been elected many times before, to use their revenue on education and health care for their people, strengthening their democracies.

Energy independence, free trade, and debt relief would go a long way toward helping us strengthen our whole hemisphere.

As we are looking at so much volatility around the world, it is important we remember that if we strengthen our hemisphere, if we increase the prosperity and the living standards of people throughout our hemisphere, it will not only help us have stronger economic ties, which will be good for our country and other countries, we create export markets for our goods as well as importing the goods from overseas, from Latin America, but it also is a security issue for our country. The idea that we would have terrorist training camps set up in countries that are hostile to America in South America is one I don't even want to anticipate. It would be very harmful for the security of America to have more of these dictatorships setting themselves up as an ''axis of good'' to thwart American freedom and democracy.

I am glad our President has gone to Latin America. The President of Mexico acknowledged that the President of the United States, after 9/11, had security threats that had to be addressed and, therefore, he was not able to do the innovations working with South America he had hoped he would be able to do in his first term as President.

But now the President is trying to renew that promise and go to South America and Mexico and talk about what binds us together. Land binds us together. Borders bind us together. We need good relations with Mexico and Central and South America. We want friendly borders. It is important for our security.

I hope the President's efforts are not for nought. I hope we can enhance what he has started by promoting free trade, by giving him the ability to negotiate free trade agreements with more of the South American countries that are friendly to America, by promoting independence in energy supply for our country so we don't have to depend on any foreign source for energy to make sure our economy stays strong, and to try to help them be relieved of debt that would allow their countries to invest more in education and health care for their people and their children.

This is an initiative whose time has come. Maybe it is an initiative whose time has long since come but is now beginning to become a viable option for our country. I hope the President's efforts are rewarded with Congress stepping up to the plate and helping America become more energy independent, helping America have more free trade agreements to build up economies in these foreign countries. That would be a huge step in the right direction.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Madam President, will you state the parliamentary situation in front of the Senate at this moment.

The PRESIDING OFFICER. The Senate is postcloture on the motion to proceed to S.J. Res. 9.

Mrs. BOXER. So, Madam President, we are now debating whether to proceed to S.J. Res. 9. I am glad the Chair clarified that. I am here to speak briefly, to say I hope our colleagues will say yes and will proceed to S.J. Res. 9. I will go into why I think that would be an excellent vote for this Chamber to take. I wish to speak briefly as to where we are procedurally.

Our Democratic leader, Senator REID, has presented to the Senate S.J. Res. 9. Its purpose is to revise the policy of the United States in Iraq, and if ever we needed to revise the policy of the United States in Iraq, it is certainly now. In my belief, it was certainly a year ago and the year before.

As someone who did not vote to give the President the authorization to go to war in the first place, I and a number of my colleagues have watched with horror as we have seen take place what we predicted.

We said the President did not consider what would happen if our troops were not greeted as liberators and, in fact, were greeted as occupiers. We asked questions about the possibility of sectarian violence among the Sunni, Shia, and others. We said it was a mistake to take our eye off capturing bin Laden and finishing our work in Afghanistan, which is crucial. We wondered why the President was doing this when the whole world was with us after the tragedy of 9/11. He turned around and went after Saddam Hussein, told us he was going to get nuclear weapons, told us he was harboring al-Qaida, and I will tell you, Madam President, all of that proved to be false.

So he took the country to war on false pretenses, and who has paid the price for that? The military families. The dead. These families have lost over 3,000 of their nearest and dearest, and they will never, ever—ever—be the same.

The wounded are suffering the worst kind of wounds. These are the folks who have paid the heavy price and who continue to pay the heavy price.

I am proud of Senator REID and the Democratic leadership. We promised the people we would make this our No. 1 priority, and we are. We tried to debate Iraq before. The Republicans stopped us. Now we are trying to do it again.

We have a resolution I wish to share with you, Madam President. I said it was called a Joint Resolution to Revise United States Policy in Iraq. It says, and I am going to truncate this:

Whereas, Congress and the American people will continue to support and protect the troops who are serving or have served bravely and honorably in Iraq; and whereas the circumstances referred to in the authorization in 2002 have changed substantially; and whereas U.S. troops should not be policing a civil war, and the current conflict in Iraq requires principally a political solution; and whereas U.S. policy in Iraq must change to emphasize the need for a political solution by Iraqi leaders in order to maximize the chance of success and to more effectively fight the war on terror; therefore be it resolved that we transition this mission away from being in the middle of a civil war toward being supportive of the Iraqi troops and training them; that we shall begin the phased redeployment of the U.S. Forces from Iraq not later than 120 days after enactment of the resolution; that we then move forward with a comprehensive strategy so that we finally resolve this Iraq quagmire—it means that it has to be diplomatic and political and economic—and that there be a report every 60 days so we know how this redeployment is going.

This is a breath of fresh air. This resolution is a breath of fresh air into a situation where you can't even breathe you are so suffocated from the tragedy, from the deaths, from the wounded, from the explosions every single day. So, yes, we are debating whether we should proceed to S.J. Res. 9, and I hope we will.

In closing, let me say this. There is a lot of talk about loving the troops, and I think every one of us in this Chamber loves the troops, so I have a rhetorical point here. If you love the troops, and I believe we all do, why put them in the middle of a civil war where they can't tell who is shooting at them? If you love the troops, why do you give them a mission they can't accomplish? They can't solve the civil war. That has to be done diplomatically, politically. If you love the troops, why would you lower the standards for their future colleagues in arms? We are stunned to see that convicted violent felons are

now being taken into the military, that is how desperately stretched the military is.

If you love the troops, why would you put them in a place such as Walter Reed, where you have mold on the walls and vermin, and not give them the access when they leave Washington and go back home, not give them definitive access to the help they need?

Why would you send them, if you loved the troops, out to battle again and again and again? I met a man yesterday whose son is on his third tour. I have the charts in front of my office with the names of the California dead. He looked at that, and I saw the look on his face, and I said, what is wrong? He said, I have a son in Iraq, third tour of duty, no rest.

So why do you have a rule that says they have to have rest; they have to be properly trained; they have to have the proper equipment?

If you love the troops, why would you continue to send them over in that fashion, without being properly equipped or trained? Why would you send them out on the battlefield with post-traumatic stress and a bottle of antidepressants, if you loved the troops?

I am proud to be a cosponsor of S.J. Res. 9. This is a comprehensive solution. The other side of this debate keeps saying, well, where is your solution? Here it is. It is right there. We transform the mission to a mission that can be accomplished, not mission impossible. That mission will be to protect United States and coalition personnel and infrastructure, training and equipping Iraqi forces, and conducting targeted counterterrorism operations. Now that is a mission we can accomplish.

As for sending our troops into the middle of a civil war, that is wrong, and I don't believe anyone who voted for that resolution—and I am so proud and so glad I didn't vote for that resolution to take this country into this ill-fated war, but if you voted for it, you didn't vote to put troops in the middle of a civil war. So if that is where we are right now, we need to change it.

You know, Martin Luther King—and I read this recently—who is one of my heroes in life, said during the Vietnam war that what can happen to you when you are faced with these horrible options, these horrible choices—and by the way, the worst kind of leadership, no matter where it comes from, is a leadership that gives you no good choices, okay? But Martin Luther King said, when you are faced with that circumstance—and he was talking about Vietnam, where it was tragic, there were no good choices, what could we do—said, paralysis sets in and people can't change. What happens is the status quo prevails and it becomes a new reality: dead, dead, dead soldiers every day, suicide bombs, and we can't get out of it.

The surge isn't a new strategy. It has been tried before. We know what is happening. The enemy tells us what is happening. They are leaving, going someplace else to cause trouble; waiting it out. We know they will adjust to this.

There is only one solution, and that is why S.J. Res. 9 is so important. What is the solution? We spell it out. A comprehensive strategy shall be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq.

There is no more coalition of the willing. They are all leaving, whether it is Great Britain—which now is going to have only a few thousand troops there—Italy, Spain, Portugal. I could go through the list. They are all leaving. We need to redeploy our troops and we need a comprehensive strategy. I am proud to support S.J. Res. 9, and I hope when we have this vote we will vote to proceed to this very important resolution.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Texas.

Mr. CORNYN. Mr. President, I have a lot of respect for the Senator from California, but I couldn't disagree with her more on this topic, and I will explain why.

This resolution that is currently before the Senate calls for the President to begin withdrawing troops from Iraq within 120 days. It calls for withdrawing all combat forces from Iraq—all combat forces from Iraq—by March 31, 2008, and it calls for limiting the flexibility of our military commanders to go after the enemy.

None of these provisions strikes me as wise or a good idea. And it is not just me. Let me quote from January 31, 2005, a speech made by one of our distinguished Members at the National Press Club. This distinguished Senator said: ''As far as setting a timeline, that is not a wise decision, because it only empowers those who don't want us there.'' Who was that speaker? Well, none other than our majority leader, Senator HARRY REID, Democrat from Nevada, who said, ''It is not a wise decision to set a timeline, because it only empowers those who don't want us there.''

Senator REID was not the only one. Senator CLINTON said, ''I don't believe it's smart to set a date for withdrawal. I don't think you should ever telegraph your intentions to the enemy so they can await you.'' That was a comment she made on February 13, 2007.

Senator JOE BIDEN, Democrat from Delaware, said: ''A deadline for pulling out will only encourage our enemies to wait us out.'' He said that on June 21, 2005, in a speech at the Brookings Institution in Washington, DC.

I think we find ourselves in a time warp, but it is hard to know whether the distinguished majority leader's position is what he says today, when he says we ought to set a timeline for the withdrawal of troops, or whether we ought to credit his remarks made in 2005, when he said it is not a wise decision because it only empowers the enemy.

I think we know where the differences come down. There are those, as the distinguished Senator from California said a few moments, who regard what we are doing in Iraq, and she used these words, as ''mission impossible.'' In other words, there are those who simply have given up, who believe all is lost and there is nothing we can possibly do to reverse the tide in Iraq and in the global war on terror, what Zarqawi, the former head of al-Qaida in Iraq, called the central front in al-Qaida's war against the rest of the civilized world.

What I would suggest is that this resolution, which calls for withdrawing troops beginning in the next 120 days, sets a hard deadline of March 31, 2008, to withdraw all troops and which limits the flexibility of our military commanders to go after the enemy. This is not a plan to succeed. This is a plan destined to fail. Because, in fact, to give the critics some credit, they have given up, so they believe all that is left is retreat, to admit defeat. But this Senator is not prepared to give up on either the mission or the members of our military who are carrying out that mission in Iraq.

Arbitrary deadlines for withdrawal and micromanaging our military commanders on the ground is not a military strategy, it is a recipe for defeat. The problem is the new majority and the Democrat strategy can best be characterized as one of slow bleed, micromanage, and say nice things about supporting the troops but don't support the mission we sent them on. I have said before, and I will say it again, if you believe all is lost and there is no possibility of success in the war in Iraq, to me, the logical conclusion is you would defund the effort to support that mission there. In other words, you would use the tool that is available to Members of Congress, the power of the purse, to cut off the funds.

I disagree with that. I don't think we should. But Senator DODD and Senator FEINGOLD have been the ones who have said, you know what, passing nonbinding resolutions is simply not worthy of the Senate. Nowhere else in life can you pass a nonbinding resolution, make a ''no'' decision and be credited for doing anything. Only here in Washington, only in the Senate can you pass a nonbinding resolution and somebody says, you know what, we have done something. Well, the fact is, the only thing we would have done is to lend encouragement to those who want to see us fail in Iraq and to possibly undermine the morale and support given for our troops who are in harm's way.

Giving the enemy a timetable when American troops should withdraw from Iraq only helps the enemy plan on how to accomplish their goals, not ours.

Our focus should be, how can we succeed in Iraq. The irony of this proposal—the best I can tell, the 17th proposal that has come from the majority since we began talking about Iraq resolutions—is it comes at a time when the new Baghdad security plan appears to be making some hopeful signs toward success. One of those signs is Muqtada al-Sadr, the radical Shiite cleric who is in charge of the Shiite militias in Iraq, has fled the country because he knows the American military and our Iraqi allies are beginning to enter areas such as Sadr City, which have been in his sole province and domain. He has left to go to Tehran, to Iran. Similarly, he has instructed the Mahdi armies, the Shiite militias, not to confront the American soldiers or Iraqi allies as they go in to clear, hold, and build in some of the previously most dangerous areas of Iraq, that of Sadr City.

Democrats have offered 17 proposals on how to lose in Iraq but not a single proposal on how to succeed. The chairman of the Senate Armed Services Committee, Senator LEVIN, recently conceded that there are between 5,000 and 6,000 members of al-Qaida in Iraq—specifically in Al Anbar Province. To pass legislation that sets an arbitrary deadline for withdrawing our combat forces without defeating al-Qaida in Iraq makes no sense. Rather, it would provide potentially a safe haven, a power vacuum into which al-Qaida could reestablish itself, gain a foothold, and use that platform as a place to launch terrorist attacks against the United States and other countries.

The Iraqis know our commitment to Iraq is not open-ended, so it is simply not accurate to say that is the position of either the administration or anyone in this body. No one has made an open-ended commitment to Iraq. The Iraqis understand that the future of Iraq is in the hands of Iraqis, and that is exactly where it should be.

But to pass legislation that micromanages how our troops should fight and to try to make tactical decisions on how to handle those 130,000 or so troops on the ground from Washington, DC, is simply crazy. We unanimously confirmed GEN David Petraeus, who essentially is the architect of the counterinsurgency plan now being carried out in Baghdad. General Petraeus will lead our operations in Iraq and, frankly, he doesn't need armchair generals here in Washington, DC, trying to tell him what to do. General Petraeus knows what to do, and that is the reason the Senate unanimously confirmed him to carry out this new Baghdad security plan.

If Members of this body really support our troops, then they will provide our troops with the resources they need to accomplish their mission and not engage in a slow-bleed strategy of cutting off resources or reinforcements. We all want our troops to come home as soon as possible. But any decision to withdraw from Iraq should be based strictly upon national security considerations and not on political expediency.

We find that even our colleagues on the other side of the aisle are conflicted internally about the best strategy as reflected by this now 17th iteration of their resolution strategy. A Washington Post editorial dated March 13 labels the restrictions on Iraq war funding drawn up by House Democrats—and the 17th proposal on Iraq, by the way—this is the Washington Post. They called it ''something of a trick,'' and is merely ''an inflexible timetable, conforming to the need to capture votes in Congress or at the 2008 polls.''

Then an article in the Wall Street Journal yesterday quotes House Appropriations Committee chairman, Democrat of Wisconsin, DAVID OBEY, saying this about the language contained in the wartime spending bill passed or being considered in the House—specifically regarding the benchmarks laid out for Iraq. Mr. OBEY is quoted as saying:

> I don't know if these are the right benchmarks or right conditions or right timetable.

Mr. OBEY said:

> It's a huge mistake for people to look at this word and that word. . . . This language will change 10 minutes after it passes the House.

The Vice President was quoted as saying this on March 12, and I couldn't agree with him more in this regard. He said:

> The second myth is the most transparent. And that is the notion that one can support the troops without giving them the tools and reinforcements necessary to carry out their mission. . . . When members of Congress pursue an anti-war strategy that's been called slow bleed, they're not supporting the troops, they are undermining them. And when members of Congress speak not of victory, but of time limits—when members speak not of victory but of time limits, deadlines or other arbitrary measures, they're telling the enemy simply to watch the clock and wait us out. . . . Anyone can say they support the troops and we should take them at their word. But the proof will come when it's time to provide the money. We expect the House and Senate to meet the needs of our military and the generals leading the troops in battle on time and in full measure.

I couldn't agree with the Vice President any more than in those quoted remarks. We have now had 17 different proposals from Democrats in the Senate to date. Maybe there are more to come but 17 so far. For my colleagues on the other side of the aisle to propose this ever-shifting plan of how to deal with Iraq is simply not constructive.

I must say that it is simply absurd that we would tell our enemy when we plan to leave Iraq. I am joined in that belief by Senator CLINTON and Senator REID, from the statements I quoted earlier.

This Senator is not prepared to give up on our men and women in uniform, and I am not prepared to agree to arbitrary timetables or strings on the money that we appropriate that will limit their ability to be successful. I hope all of us, Republican or Democrat alike—all Americans would hope that our American soldiers, sailors, marines, and airmen will come back home safely but after they have accomplished the mission we have asked them to take on, and that is to leave Iraq in a condition where it is stabilized, where it is able to govern itself and defend itself. Only then will we have eliminated another safe haven for al-Qaida and terrorist activities. Only then will we have reduced to the barest possible minimum the likelihood that we will have to return following a regional conflagration, following a vast humanitarian crisis and ethnic cleansing that is likely to occur if we do not take every possible step to see this Baghdad security plan succeed.

Yes, we all want our troops to come home as soon as possible. Some of us are not willing to set arbitrary deadlines or to bring our troops back home based on some calendar that bears no relationship to conditions on the ground. We want them to come home as soon as possible, but after they have accomplished the mission that they so bravely have taken on and in which they are so nobly led by GEN David Petraeus.

I believe S. Res. 9 is misguided. It should be defeated, and I will do everything within my power to urge my colleagues to so vote.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, after 4 years of fighting and the loss of almost 3,200 American lives, 24,000 wounded, $350 billion spent on this war, it is long past time for a new approach in Iraq. Everybody who participates in this debate wants to maximize our chances of success in Iraq. Even those of us who voted against going to war and those of us who have disagreed with how this war has been conducted want to see a stable Iraq which enhances our own national security.

But continuing the current course and surging along the current course does not do that. The President's current course of action, of putting more U.S. military personnel in the middle of a growing civil war in Iraq, does not enhance our security and it does not maximize the chances of success.

The President's plan has a fundamental flaw because what is needed in Iraq is a political solution among the Iraqi leaders, not a military solution. Our troops perform bravely and brilliantly, but American military firepower will not end the civil war in Iraq. It has been apparent for a long time that there is no military solution in Iraq, that an Iraqi political solution is necessary to end the violence. GEN Peter Chiarelli, commanding general of

the multinational force in Iraq, said the following in December:

We need a commitment by all Iraqis, of all of the ethno-sectarian groups to commit first to nonviolence and to resolving their differences through the political process . . .

And he continued:

I happen to believe that we have done everything militarily that we possibly can.

At his confirmation hearing in December, I asked our new Secretary of Defense, Bob Gates:

Do you believe that the end to violence in Iraq requires a political settlement, and that we need to communicate a sense of urgency to the Iraqis to pressure them to reach a settlement that only their politicians can reach?

Dr. Gates replied:

Yes, I do.

The Iraq Study Group stated that:

The violence in Iraq cannot be stopped or even contained if there is no underlying political agreement among Iraqis about the future of their country.

Perhaps most telling was Iraqi Prime Minister Maliki's acknowledgment recently on this essential point. This is what Iraq's own Prime Minister said:

The crisis is political. And the ones who can stop the cycle of aggravation and bloodletting of innocents are the Iraqi politicians.

The real battle for Baghdad is not a military battle, it is a political one, and that battle can be resolved only by Iraqi politicians and not by our military.

So how do we pressure the Iraqi leaders to reach the political settlement that is essential? We can start by ending our open-ended commitment to Iraq. The President has changed his rhetoric about ending our open-ended commitment, but he has not changed his policy. In fact, he sent the opposite message when he sent more troops to Baghdad.

Our objective in Iraq, and the objective of this resolution, must be to shift responsibility to the Iraqis, both politically and militarily, for their future. For that to happen, we must end the open-ended commitment that has been made by this administration to Iraq of the presence—without decision by us, leaving it up to the Iraqis for how long and how many—of American troops.

We must make clear to the Iraqis that their future is in their hands, not ours. We must make it clear to the Iraqis they must reach a political settlement among themselves and, if they do not, we cannot save them from themselves.

As General Abizaid said in November:

It's easy for the Iraqis to rely upon us to do this work. I believe that more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future.

General Casey made the same point in early January when he said:

The longer we in the U.S. forces continue to bear the main burden of Iraq's security, it lengthens the time that the government of Iraq has to take the hard decisions about reconciliation and dealing with the militias. And the other thing is that they can continue to blame us for all of Iraq's problems, which are at base their problems.

The Iraq Study Group specifically drew the connection between the importance of ending the open-ended commitment of American troops and persuading the Iraqis to make political compromises. There is a connection between the two, the Iraq Study Group said, between ending the open-ended commitment and getting the Iraqis to resolve their political differences. Here is the way they put it in the Iraq Study Group's report:

An open-ended commitment of American forces would not provide the Iraqi government the incentive it needs to take the political actions that give Iraq the best chance of quelling sectarian violence. In the absence of such an incentive, the Iraqi government might continue to delay taking those difficult actions.

That is the Iraq Study Group.

Columnist Tom Friedman put it succinctly recently in the New York Times:

Right now everyone in Iraq is having their cake and eating it—at our expense. We have to change that.

But instead of putting pressure on the Iraqis, the President is putting his faith in the Iraqis to meet certain benchmarks they have set for themselves. But look at the track record of the Iraqi Government in meeting some of the benchmarks and promises it has set for itself and it has made.

Iraqi President Talibani said in August of 2006 that Iraqi forces would ''take over security in all Iraqi provinces by the end of 2006.'' That pledge surely has not been kept.

Prime Minister Maliki said last June he would disband the militias and illegal armed groups as part of his national reconciliation plan, and in October he set the timetable for disbanding the militias as the end of 2006. That commitment has not been kept.

The Iraqi Constitutional Review Commission was to present its recommendations for changes in the constitution to the Council of Representatives within 4 months of the formation of the Iraqi Government last May. Well, the commission has yet to formulate any recommendations.

Prime Minister Maliki put forward a series of reconciliation milestones to be completed by the end of 2006 or early 2007, including approval of the provincial election law, approval of a new debaathification law, and approval of a new militia law. Not one of those laws has been enacted.

On January 30, Secretary Rice wrote to me about these benchmarks. She said the Iraqi Government had adopted a lot of benchmarks, and she attached those benchmarks to her letter called ''Notional Political Timeline.''

Here is what she said about the benchmarks attached to her letter:

. . . Iraq's Policy Committee on National Security agreed upon a set of political, security, and economic benchmarks and an associated timeline in September 2006.

Then she said:

These were reaffirmed by the Presidency Council on October 16, 2006, and referenced by the Iraq Study Group; the relevant document (enclosed) was posted at that time on the President of Iraq's website.

The posted document shows one benchmark after another, starting in September 2006, going through March of 2007, and I am going to read them off.

By September 2006:

Form a Constitutional Review Committee;
Approve the law and procedures to form regions;
Agree on political timetable;
Approve the law for Independent High Electoral Commission (IHEC);
Approve the Investment Law.

By October 2006:

Approve provincial elections law and set date for provincial elections;
Approve a hydrocarbon law.

By November 2006:

Approve a de-Ba'athification law;
Approve provincial council authorities law;
Approve a flag, emblem and national anthem law.

By December 2006:

Approve Coalition Provisional Authority . . . concerning armed forces and militias;
Council of Representatives to address amnesty, militias and other armed formations;
Approve amnesty, militias and other armed formations law.

By January 2007—this was the timeline—

Constitutional Review Committee completes its work.

By February 2007:

Form independent commissions in accordance with the Constitution.

By March:

Constitutional amendments referendum (if required).

Now, there may have been one or two of those guidelines met. If so, I am not sure what they are, but I want to at least allow the possibility that a flag, emblem, and national anthem law was adopted. But of those perhaps 15 milestones—and a timeline for them—to be adopted by the Iraqi Presidency, not more than one—but maybe two—of the 15 have been adopted. And none of the important ones have been adopted.

We are told by Secretary Rice, that was on the Web site of the President of Iraq. Then suddenly and mysteriously it disappeared from that Web site a few months ago.

When I asked Secretary Rice—I wrote her a letter asking: You said, Madam Secretary, this was on the Web site, but it disappeared from the Web site. Can you find out why? We have not heard back from the Secretary of State about that problem.

So much for the promises and commitments and milestones of the Iraqi leadership. They post them on a Web site month by month what these promises and commitments and milestones and benchmarks are, and then—poof—they disappear from the Web site, just as though they were not made. That is the problem with milestones, benchmarks which have no consequences when they are not met.

The President talks about benchmarks, and yet he has not outlined any consequences for the Iraqis if they fail to meet these new benchmarks. I have little hope they will meet benchmarks they lay out unless they see no alternative. It is time to go beyond the toothless benchmarks and to make clear to the Iraqi leaders their dawdling must end and that their nation is in their hands, and we cannot decide for them how to build a nation, whether to build a nation, or whether they prefer to have a civil war.

The administration says our debate on this bill would embolden the enemy. But what that shows is a serious lack of understanding of the situation we face. Congressional debate over Iraq policy does not embolden the enemy. The enemy is already emboldened. The enemy is emboldened by an open-ended presence of western troops in a Muslim country's capital, which serves as a magnet for extremists and gives a propaganda club to our enemies.

The enemy is emboldened by an invasion of Iraq without the support of the international community, and with no plan for a violent aftermath. The enemy is emboldened by a million and a half Iraqi refugees, with thousands more being added each day. The enemy is emboldened by a surge of American troops into a civil war that postpones the day when Iraqi leaders will take responsibility for their own future.

And now our responsibility as a Congress. What is our responsibility? What this resolution does is implement our responsibility by working to make the day when Iraqi leaders take responsibility for their own nation come sooner rather than later. The most recent intelligence estimate says ''the current security and political trends in Iraq are moving in a negative direction.''

Our resolution is the best way to stop the Iraqi leaders from continuing to fiddle while Baghdad burns. It would seek to pressure the Iraqi leaders to achieve a political solution by requiring our President to promptly transition the mission of American forces in Iraq to protecting United States and coalition personnel and infrastructure, to training and equipping Iraqi forces, and to conducting targeted counterterrorism operations.

Our resolution would require the President to begin the phased redeployment of United States forces from Iraq not later than 120 days after enactment, with the goal—I emphasize ''goal''—of redeploying all United States combat forces by March 31, 2008, except for—except for—those that are needed to carry out the three missions which are described in the resolution, and which I have just outlined. That goal and the three limited missions are the same as the goal and the limited missions recommended by the Iraq Study Group.

Passing this resolution would deliver a cold dose of reality to the Iraqi leaders and would tell them we are not going to be their security blanket without end. When they finally understand our military presence in Iraq is neither permanent nor unconditional, then—and only then—are they likely to take the political steps necessary to deal with sectarian violence and to defeat the insurgency.

By shifting responsibility to the Iraqis for their own future and their own country, this resolution does what is needed the most—it puts pressure on the Iraqis to reach a political settlement.

As we consider the future of our involvement in Iraq, we must always be mindful of the price our military and their families are paying as a result of multiple deployments of units and people to Iraq. We must be mindful that the lack of attention to Afghanistan and Pakistan has allowed al-Qaida and the Taliban to regroup and strengthen. We must also be mindful that our nondeployed forces lack the equipment and other resources needed to maintain an acceptable level of readiness, and, as a result, the risk our Nation faces has substantially increased.

We must be tragically mindful, always, that the pledge to take care of those courageous soldiers and marines, who have sustained serious physical and mental injuries in combat, has been broken by this administration.

In recent days, there have been statements suggesting a debate in Congress on the war in Iraq is undermining the troops. Just last Monday, Vice President CHENEY said, among other things, that:

> When Members of Congress pursue an antiwar strategy . . . they are not supporting the troops, they are undermining them.

Contrast the Vice President's statement with statements Secretary of Defense Gates and Chairman of the Joint Chiefs of Staff General Pace made recently on February 7 before the House Armed Services Committee.

Here is what Secretary Gates said:

> I would tell you that I think that our troops do understand that everybody involved in this debate is looking to do the right thing for our country and for our troops, and that everybody is looking for the best way to avoid an outcome that leaves Iraq in chaos. And I think our troops are sophisticated enough to understand that that's what the debate's really about. It's about the path forward in Iraq.

Here is what General Pace said, and contrast this to what Vice President CHENEY said—how worthy Secretary Gates' statement is—and listen to how worthy General Pace's statement is compared to the stale and unworthy comments of the Vice President of the United States about what this debate signifies.

General Pace:

> There is no doubt in my mind that the dialogue here in Washington strengthens our democracy. Period.

And then he added:

> From the standpoint of the troops, I believe that they understand how our legislature works and they understand that there is going to be this kind of debate.

When I listened to the Vice President and his unworthy remarks, it reminded me of not only how worthy our troops are and how they are professional enough to understand what their duty is, but also that they are loyal Americans to know and understand that it is our duty to debate this war. For those of us who think it is leading in the wrong direction and going nowhere, it is on a road to failure, it is our duty to try to change that course.

Contrast our troops and their honor and their loyalty to the principles upon which this Nation was founded, reflected, interestingly enough, in a poll taken of our military by the Military Times. This poll was printed in the Army Times a few months ago. The question that was asked of our troops was whether they approve of the President's handling of the war in Iraq. Forty-two percent of our troops disapproved of the President's handling of the war in Iraq. Thirty-five percent of our troops approved of the handling of the war by their Commander in Chief. They are divided as Americans are divided. We should not only respect their bravery, we should respect their intelligence and their commitment to this debate in the Congress. That is what they are fighting for: that we can debate a mission and we can debate how to best secure this country so that we can debate how to best succeed in Iraq.

That is what our troops believe in. That is what they are fighting for. It is insulting to them. It is insulting to them to say, as the Vice President of the United States said, that a debate in the United States Congress as to how best to succeed in Iraq, how best to change the course in Iraq, somehow or other undermines the troops.

So we have before us an opportunity, an opportunity which can only be achieved if this debate can advance beyond the motion to proceed. We will be voting on that motion later on today or tomorrow. I hope that Senators, regardless of our views on this war, will allow this Senate to once again debate the direction in Iraq. The last real vote we had was one that denied us this opportunity to proceed. I hope there will be enough of our colleagues on the other side of the aisle who will recognize the importance of this debate to this future—the future of this country, to the future of this world, perhaps; to the lives of so many of our gallant, brave troops and their families, and perhaps, indeed, to the future well-being of this institution because this institution surely should be about debating issues as transcendently important as our future in Iraq.

Mr. President, I ask unanimous consent that some correspondence between myself and Secretary Rice, and Senator MCCAIN and myself with Secretary Rice be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF STATE,
Washington, DC.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services, United States Senate.

DEAR MR. CHAIRMAN: Thank you for your recent letters regarding the way forward in Iraq and the role of benchmarks for political issues Iraq must solve. The President has also asked that I reply on his behalf to your December 12, 2006, letter to him concerning the importance of announcing a deadline for beginning a phased redeployment from Iraq.

I share your view that the Iraqi Government must meet the goal it has set for itself—establishing a democratic, unified, and secure Iraq. We believe the Iraqi Government understands very well the consequences of failing to make the tough decisions necessary to allow all Iraqis to live in peace and security. President Bush has been clear with Prime Minister Maliki on this score, as have I and other senior officials in discussions with our counterparts. We expect the Prime Minister to follow through on his pledges to the President that he would take difficult decisions.

In his January 10 address, the President stated that after careful consideration he had decided that announcing a phased withdrawal of our combat forces at this time would open the door to a collapse of the Iraqi Government and the country being torn apart. The New Way Forward in Iraq that the President announced on January 10 is designed to help the Government of Iraq to succeed. This strategy has the strong support of General Petraeus and his commanders, and we must give the strategy time to succeed.

On your point about a political solution being critical to long-term success, I also agree. However, with violence in the capital at the levels we have seen since the Samarra attack on February 22, 2006, extremists and terrorists have been able to hold the political process hostage. The President's strategy is designed to dampen the present level of violence in Baghdad and ensure that Iraq's political center has the security and stability it needs to negotiate lasting political accommodations through Iraq's new democratic institutions.

At the same time, the President has made clear to the Prime Minister and other Iraqi leaders that America's commitment is not open-ended. It is essential that the Government of Iraq—with our help, but its lead—set out measurable, achievable goals and objectives on each of three critical, strategic tracks: political, security, and economic. In this regard, Iraq's Policy Committee on National Security agreed upon a set of political, security, and economic benchmarks and an associated timeline in September 2006. These were reaffirmed by the Presidency Council on October 16, 2006, and referenced by the Iraq Study Group; the relevant document (enclosed) was posted at that time on the President of Iraq's website.

Beyond that, as the President said, Prime Minister Maliki made a number of additional commitments including:

Non-interference in operations of the Iraqi Security Forces;

Prosecution of all who violate the law, regardless of sect or religion;

Deployment of three additional Iraqi army brigades to Baghdad; and

Use of $10 billion for reconstruction.

We will continually assess Iraq's progress in meeting these commitments as well as other initiatives critical to Iraq's development.

Sincerely,

CONDOLEEZZA RICE.

UNOFFICIAL TRANSLATION

NATIONAL POLITICAL TIMELINE

September 2006

Form Constitutional Review Committee
Approve law on procedures to form regions
Agree on political timetable
Approve the law for Independent High Electoral Commission (IHEC)
Approve the Investment Law

October 2006

Approve provincial elections law and set date for provincial elections
Approve a hydrocarbon law

November 2006

Approve de-Ba'athification law
Approve provincial council authorities law
Approve a flag, emblem and national anthem law

December 2006

Approve Coalition Provisional Authority Order 91 concerning armed forces and militias
Council of Representatives to address amnesty, militias and other armed formations
Approve amnesty, militias and other armed formations law

January 2007

Constitutional Review Committee completes its work

February 2007

Form independent commissions in accordance with the Constitution

March 2007

Constitutional amendments referendum (if required)

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, January 25, 2007.

Hon. CONDOLEEZZA RICE,
Secretary of State, Department of State, Washington, DC.

DEAR MADAM SECRETARY: On November 14, 2006 Senator Levin sent you a letter (attached) asking that you provide the agreed timeline and benchmarks (or the U.S. proposal for such) of political issues to be resolved by the Iraqi Government in the coming months. At that time he also requested the same from Secretary Rumsfeld. On December 4, he heard from Under Secretary of Defense Edelman that the State Department had received his letter and had agreed to respond on behalf of the Administration. Having not heard from the State Department for two months, Senator Levin again wrote to you (attached) on January 16, 2007 reiterating his request and noting his expectation that you would be courteous enough to respond by the end of last week. Unfortunately, you have not done so, which necessitates yet another request.

In his January 10 address to the nation on his new strategy for Iraq, President Bush said that "America will hold the Iraqi government to the benchmarks it has announced." It is essential that Congress have the information on those benchmarks to comprehensively consider as it addresses the way ahead in Iraq. It is both baffling and disturbing that the Administration will not provide the timeline and benchmarks, and it is our joint expectation that you will do so promptly, and by the end of this week at the latest. If the benchmarks to which the President referred include additional commitments beyond those initially agreed to by the Iraqi government, then our expectation is that you will make that clear in your response, and will clearly indicate which are new commitments.

Sincerely,

JOHN MCCAIN,
Ranking Member.
CARL LEVIN,
Chairman.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, January 16, 2007.

Hon. CONDOLEEZZA RICE,
U.S. Department of State, Washington, DC.

DEAR MADAM SECRETARY: On November 14, 2006 I sent you a letter (attached) asking that you provide the agreed timeline and benchmarks (or the U.s. proposal for such) of political issues to be resolved by the Iraqi Government in the coming months. At that time I requested the same from Secretary Rumsfeld. On December 4, I heard from Under Secretary of Defense Edelman that the State Department had received my letter and had agreed to respond on behalf of the Administration. I have yet to hear from the State Department in this regard.

As I stated in my first letter, this information will be essential to the Congress' consideration of a way ahead on Iraq. Now that the President has announced his new strategy for Iraq, this information is even more vital. I am very disappointed that two months have gone by and you have not responded to my initial request. In view of the passage of time and the importance of this issue, I expect to receive the timeline and benchmarks by the end of this week.

Sincerely,

CARL LEVIN,
Chairman.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, November 14, 2006.

Hon. CONDOLEEZZA RICE,
U.S. Department of State, Washington, DC.

DEAR MADAM SECRETARY: The top priority for the coming months must be finding a way forward to change course in Iraq. U.S. policy must include urging the Iraqis to make the necessary political compromises, which only they can make, to preserve Iraq as a nation. Our military commanders have made clear there is no military solution; only a political solution can restore security in Iraq.

The Administration announced last month that Iraqi leaders had agreed to a timeline and benchmarks for a political process over the coming months. On October 25, 2006, President Bush stated that the Administration and the Iraqi Government were developing benchmarks for determining whether the "hard decisions necessary to achieve peace" were being made. Earlier, on October 24, 2006, Ambassador Zalmay Khalilzad stated that Iraqi leaders had agreed to a timeline for making the hard decisions on outstanding issues and that President Talibani had made those commitments public. According to Ambassador Khalilzad and General Casey, these included enactment of an oil law for sharing resources; a constitutional amendment on powersharing that would guarantee democratic rights and equality to all Iraqis; reforming the de-Ba'athification Commission; and increasing the credibility and capability of Iraqi forces. However, on October 25, 2006, Iraqi Prime Minister Maliki stated publicly that no timetable has been set.

Please provide the agreed timeline and benchmarks (or the U.S. proposal for such) of political issues to be resolved by the Iraqi Government in the coming months. This information will be essential to the Congress' consideration of a way ahead on Iraq.

Thank you for your assistance.

Sincerely,

CARL LEVIN,
Ranking Member.

Mr. LEVIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. I thank the Chair.

Mr. DORGAN. Would the Senator from Rhode Island yield?

Mr. REED. I yield for the purpose of a question, yes.

Mr. DORGAN. I was wondering if we could determine the timing for debate, and I was wondering who is arranging debate on this side of the aisle.

Mr. LEVIN. Mr. President, I wonder if the Senator from Rhode Island would yield.

Mr. REED. I will yield for a question.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. There is no order that has been established, No. 1. I would like very much to establish an order for the convenience of all Senators, but I would have to know more about the other side in terms of what their wishes are. I know Senator SCHUMER wanted to begin at about 1:45, and then I know Senator DORGAN was in the queue—it is an informal queue. I believe, if my memory is correct, although I don't have the sheet of paper in front of me, Senator DORGAN wanted to come out between 3:00 and 4:00.

We will do everything we can to accommodate Senators, and if Senators could let me know, for those who want to speak in favor of the motion to proceed, when they would like to be here and about how long they need, I would be most appreciative, and I will try to put together an order.

Can we put in an order now that Senator REED has the floor, and we would be happy to alternate if a Republican shows up. Let me ask Senator DORGAN. I did tell Senator SCHUMER that we would try to fit him in at 1:45. Can we put Senator SPECTER in immediately after Senator SCHUMER? Could we put the Senator from Pennsylvania in immediately after Senator SCHUMER because I have not specified with him the amount of time he needs. But I would prevail upon him to see if he could end close to 1:55. Let me raise that with Senator SCHUMER.

Could I ask the Senator from Rhode Island about how much time he needs?

Mr. REED. Apparently, approximately 10 minutes or until Senator SCHUMER arrives.

Mr. LEVIN. As always, he is most accommodating. The Presiding Officer apparently also wishes to have time. Could we put the Senator from New Jersey in after the Senator from Pennsylvania? Why don't we set up the next three Senators on this side to be Senator REED, Senator SCHUMER, and then Senator SPECTER, and then Senator MENENDEZ.

Mr. DORGAN. Mr. President, if I could be added following the last Democratic speaker who was mentioned, I would appreciate it.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, we are engaged in a debate that will be critical to the future of this country. We have now for many years been engaged in Iraq. We have seen substantial casualties of our military men and women, not only those who have given the ultimate sacrifice but those who have been seriously wounded. We have seen our position in the world, particularly in that region, seriously eroded. We have a situation where, unwittingly perhaps but actually, Iran has become a more powerful agent in that area of the world because of the policy of this administration. I think we have the opportunity at this juncture to change this flawed strategy; also, to improve the operational skill of this administration because not only was the strategy flawed, but the implementation was absolutely horrid.

The Iraq Study Group made many useful suggestions, and key to those suggestions was to begin a phased redeployment of our forces. This was similar to language Senator LEVIN and I proposed last June, which talked about a phased redeployment of our combat forces, leaving residual missions for other forces, and also talked about an ambitious diplomatic effort to try to adjust politically the various forces and the various tensions in the country of Iraq and in the region. It was interesting to note that many months after the Levin-Reed proposal, the administration finally participated in a regional conference last week involving both Iran and Syria and the other neighboring countries. That is a step forward—a timid step but, indeed, a step forward.

The President, however—after the Iraq Study Group recommendations and after our debates last year—in January, when he was able to present and willing to present his new strategy, he made another mistake in several respects. First, the surging or escalating of forces is, I think at best, a temporary stopgap. The real solution to the dilemmas and the details that engulf Iraq are political in nature. That has been vouched for by every military commander and most commentators.

Rather than embracing the Iraq Study Group's recommendations, he distanced himself from them. Rather than talking about a phased redeployment, he talked about an indefinite escalation. In doing so, he jeopardized one of the fundamental foundations of any national policy, and that is public support. I believe the American people were listening closely, waiting for a sign that the President finally got it and that he was going to begin to conduct an orderly phased withdrawal and concentrate on the other critical missions of training Iraqi forces and going after terrorists who are much more important to our long-term security. They did not hear that in his speech. It is no surprise to me that their continuing lack of confidence in the administration has been translated into a lack of confidence in our prospects in Iraq.

I think the American people are looking for a policy they can support, one they can sustain, and one we can sustain. In my view, that policy is laid out very explicitly in the proposal that we are debating today authored by Senator Harry REID. It focuses on defining critical missions so that our soldiers know precisely why they are in that country and that we can give them all the resources necessary for those missions to go after terrorists who have infiltrated the country.

The existence of terrorists before the invasion was one of highly speculative debate, and it turned out there was more speculation than fact. But the reality is terrorists have infiltrated Iraq in the intervening several years, and we have to go after them just as we did in Somalia, just as we are doing in Afghanistan, and just as we hope the Pakistanis are doing in Pakistan. After all, that is where bin Laden and Zawahiri are residing, reorganizing, and contemplating attempts to attack us again.

That effort of preemption of terrorists has to go on, and we have to maintain a presence in Iraq to do that. We also have to train the Iraqi security forces because, frankly, they are ultimately the decisive point in terms of security for Iraq. It is not American soldiers. We don't have the cultural affinity, as best we try; we don't have the vested interests. We are trying to help, but it is not our country, it is their country, and to prevail, they must carry the burden of war. We have to help them, we understand that. We have to continue to train them. Of course, we have to protect our forces.

There was some discussion today about how these missions are going to cause our soldiers, as they go through Iraq, to say: Well, I can't go after that fellow because he might be a sectarian militiaman and not a terrorist.

If those forces pose a threat to American troops in the field, they are fair game. That is what this resolution says. But it is made, these missions are, in the context of a policy of redeployment, of getting our combat forces out of Iraq. We hope we can do that within a year, but much depends upon what happens in other arenas: political mentoring and economic support. Frankly, this administration has done a dreadful job of that.

I have been to Iraq a number of times, as my colleagues have. You arrive there and they proudly announce they are going to have provisional reconstruction teams all over the country. Suddenly you discover months later that their goal of 20 was really 10, and now they have just about 10 but not fully staffed and not fully functional.

They are still trying to get it right. Again, any military officer will tell you that military forces in a counterinsurgency buys time. The decisive action is by political and economic progress, to give the citizens, the people of Iraq, tangible proof that their future lies with a legitimate government and not those who seek to undermine.

Yet, repeatedly, when you strip away the President's proposal, it is just more troops, without the real enablers, the real decisive factors of economic, political, reconstruction and reconciliation.

So, again, I think this is exactly the right course to pursue. It is a course that we must pursue. I have a great deal more to say about this issue. I notice my colleague from New York has arrived. Under the arrangement worked out with Senator LEVIN, I will yield the floor so he may speak in the order established. There is much more to be said, and I hope I have the opportunity to do so.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, first, I thank my colleagues from Rhode Island and Michigan for yielding me some time. I appreciate it. Their expertise in this area has been invaluable not only to the Senate but to all Americans. I could not think of two people who have shown light more on this issue than the Senator from Michigan and the Senator from Rhode Island.

Where are we now, Mr. President? Somehow—and there will be many debates as to how—what we are doing in Iraq has largely evolved into fighting a civil war, into patrolling a civil war, into policing a civil war, and, yes, into fighting it at times. The age-old enmity between the Sunnis and Shiites, of course, has exploded. Once Saddam Hussein was gone, it was perhaps inevitable that it would occur, particularly without any real authority in large parts of the country.

Most of what our soldiers are doing, and most of those who come back from making the ultimate sacrifice, dying or making a large sacrifice by being wounded, are doing is not fighting terrorism but, rather, policing, patrolling, and even fighting in a civil war. That is not what the American people bargained for. That is not what President Bush stated when we began going into Iraq. In fact, he has never stated that.

Now they say we need to bring order to allow their government to work, but that is a fallacious argument for two reasons. First, we may bring temporary order to Iraq but, make no mistake about it—you don't have to be a Ph.D. in middle eastern studies to realize that the minute our troops leave, whether it is 3 months or 3 years, the fighting between the Sunnis and the Shiites will continue. We will have lost lives, and men and women will have lost limbs, but not much will have changed—even in the medium term.

Second, the absurdity of what we are doing is shown by this: We are sending more troops to create a temporary peace to bolster a government that we don't trust, like, or believe in. Prime Minister Maliki is almost universally regarded poorly, not just at this end of Pennsylvania Avenue but at the other end as well. Their government seems incompetent. The government seems unable to accomplish the most basic things. The government, of course, created a terrible drama, almost, when they could not complete the execution of Saddam Hussein in a way that would have conformed to how it should have been done. So their government is incompetent. It is also controlled, in large part, by someone we do not like, Sadr. The Sadr party is the Prime Minister's base. He cannot do anything, even should he want to, in terms of actually bringing peace and creating a government that is friendly to America.

So here we are with this escalation, a surge to bolster a government we don't like or trust. Here we are, instead of fighting terrorism, policing a civil war. The American people know that. We have seen all of the data and all of the polls. The overwhelming majority does not support the President in Iraq. So we need a change in strategy. Substance dictates it, people see it, and our job in the Senate is to do that. That is what we are attempting to do in this debate.

The proposal that most of us on this side of the aisle are behind is a very simple one. We require the President to change strategy. Instead of policing a civil war, fighting a civil war, our troops should have the far more limited mission of protecting us in America from terrorism. That means that if al-Qaida sets up a base anywhere in Iraq, we should take it out—do what it takes to take it out. But it doesn't mean that our soldiers should be patrolling the streets of Baghdad simply because the Sunnis and Shiites are fighting with each other. That will require a change in mission and will require fewer troops, and those troops need not be in harm's way. It makes eminent sense.

We set a deadline of a little more than a year from now, during which time the mission will have changed. The number of troops will be greatly reduced. We don't set a number. That is up to the President. It is our job in the Congress to debate missions and the broad context of foreign policy and then, should we pass a law, have the President carry out the details.

Now, some on the other side have said that any debate means you are not supporting the troops. Well, I have talked to the troops—to generals and enlisted men and women. They want debate, Mr. President. The more demagogic the other side is, saying if there is a debate, you are not supporting the troops—frankly, that is not the American way. Of course, we debate issues. In fact, their view is that basically the only way to support the troops is to rubberstamp the President's policy. We don't agree with that. We are supporting the troops. We are supporting the troops when they are in the field by trying to get them the body armor and humvees and blood-clotting bandages they have not had. We are supporting them when they come home by trying to fully fund the Veterans' Administration. Don't talk to us about supporting the troops. We are walking the walk and putting our money where our mouth is.

So, sadly, our colleagues on the other side, instead of joining us in this debate, often seek to thwart it, as they did last time. I hope they will not do that again because America is demanding debate. We hope they will come together with us, as we did last year in the Levin-Reid resolution, in a bipartisan change of mission. That is what the people are asking for.

I know my colleagues on the other side are in an uncomfortable position. They are torn between the policy of our President, their party leader, and what their constituencies want. By the way, the constituencies across America want this. I have seen the polling data. It is not just in places such as Rhode Island, New York, and Pennsylvania where the people are asking for a real change in strategy; it is also in places such as Kentucky, North Carolina, and Mississippi. It is throughout America. They are not doing it because they don't support the troops or for some nefarious reason. They are doing it for a reason that is as plain as the noses on our faces: what we are doing now is not working—whether it be with 140,000 or 150,000, 160,000, or 200,000 troops.

So we are here in the hallowed tradition of our Constitution to debate what we are doing in foreign policy and war policy and whether it is right. We will stand together on this side of the aisle and state that, as patriots who support our troops, we desperately need a change in strategy and in mission. We will bring up this issue on the floor of the Senate again and again and again, until our colleagues on the other side join us, until our colleagues on the other side understand that the wishes of their constituencies are for a change in strategy, until our colleagues on the other side have the courage to tell the President that on this issue he simply is wrong. That is part of the hallowed tradition of this country. We are proud to do what we are doing.

Mr. President, I hope and pray that our colleagues on the other side of the aisle will allow this debate to go forward, that they will put forward their ideas, and we will put forward ours. Debate it we will and debate it we must. I hope and pray that debate starts to yield the change in strategy that our troops in Iraq, our people in America, the Iraqi people, and the people of the world so desperately need.

With that, I thank my colleague from Rhode Island for the time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, the Senate has now commenced the debate on an issue of great importance, really of historic importance, which challenges us on the issue of what course of action we should take in Iraq, in a very complex factual situation, and challenges us on what our authority is under the Constitution, contrasted

with the President's authority as Commander in Chief.

On the factual issue, when we look at the resolution, which calls for the phased redeployment of the U.S. forces from Iraq not later than 120 days after enactment of this joint resolution, with the goal of deploying by March 31, 2008, all U.S. combat forces, except for three purposes: one, to protect the U.S. and coalition personnel and infrastructure; second, training and equipping Iraqi forces; third, conducting targeted counterterrorism operations.

We are setting a deadline and our opponents simply have to wait us out. They know if they can hold on until March 31, 2008, a little more than a year from now, we will be leaving, except for those stated limited purposes. That is not a very desirable course of conduct.

It is equally undesirable, however, to view the current situation in Iraq, which looks like an endless tunnel—a tunnel without a light at the end. You cannot see the end of the tunnel and, certainly, there is no light at the end of the tunnel in terms of what we can do.

Last month, the House of Representatives passed a nonbinding resolution expressing displeasure, objecting to the President's course of action in Iraq. Last November, in the election, the American people spoke in a resounding manner, in a way that could only rationally be interpreted as rejecting the conduct of the war in Iraq. We are faced with very considerable discomfort in this body. How it will resolve itself remains to be seen. I think it is very important that we debate this matter, that we exchange our views, that we stimulate discussions that will go beyond this Chamber and will resound throughout the country, resound throughout the editorial pages and the television and radio talk shows, and by our colleagues in the corridors and in the cloakroom so that we can try to work our way through an extraordinarily difficult situation where, as I see it, there is no good answer between the two intractable alternatives to set a timetable where our opponents simply have to wait us out or to keep proceeding down a tunnel which, at least at this juncture, appears to be endless and has no light. We don't know where the end is, let alone to have a light at the end of the tunnel.

What I am trying to do at the moment is to get from the administration, from the Department of Defense, and the Department of State an evaluation of what has happened since General Petraeus briefed us on what he intended to do before he returned to Iraq several weeks ago. There have been some preliminary reports that the strategy employed by General Petraeus is producing results. There have been some commentaries.

The Washington Post last Sunday in an op-ed suggested things are improving. Reports by NBC's Brian Williams suggest that matters are improving, not sufficiently definitive to come to any conclusion, but if there was a sign on the military side that we could see improvement and see a path to victory, that would have a material bearing on what this body would do or at least on the thinking of this Senator.

The resolution calls for a comprehensive strategy, and it defines it as ''diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq.''

I was pleased to hear the testimony of Secretary of State Condoleezza Rice, when she appeared before the Appropriations Committee on which I sit on February 27, 2007, announcing the initiative of an international conference to be held in Baghdad and announcing for the first time that there would be negotiations by the United States in a conference which included Iran and Syria, which I think is a very important and sensible change in the foreign policy of the United States.

We saw the results in North Korea where we faced a very difficult situation with North Korea possessing nuclear weapons and the various tests they had undertaken. We saw the multilateral discussions and then, more importantly, saw bilateral talks between the United States and North Korea, which Secretary of State Rice obtained the authority of the President to engage in those direct bilateral talks so when she was traveling overseas, she did not go through the normal vetting and analytical processes in Washington which might well have stopped that direct bilateral discussion. It did occur, and it appears to have been instrumental in working out what may well be a diplomatic answer. It appears that way at the present time, although no one can ever be sure in dealing with North Korea.

I would like to have an up-to-date evaluation—and I am seeking one—from the Department of State as to what is happening with those negotiations. Candidly, it is pretty hard when we have one of our sessions in room 407 upstairs, which is the secret room where we are briefed. We very seldom get much information there. I think it would be very useful if we could find information to bring us up to date as to what progress, if any, the administration is making. I know, to repeat, it would be very influential on my thinking as to what course I will take when the roll is called on these resolutions.

Beyond the evaluation of the factual situation, there are very complex legal questions involved in what is the authority of Congress. The resolution does not call upon the congressional constitutional authority on appropriations or the so-called power of the purse. We know there is authority in the Congress to cut off funding. I think there is unanimous agreement that we should not even broach the issue cutting off funding if in any way it would jeopardize the troops who are serving in Iraq.

The President's powers as Commander in Chief have been the subject of judicial interpretation. In the case of Fleming v. Page—it goes back a long way to 1850—but the Supreme Court said:

> As commander-in-chief, he is authorized to direct the movements of the naval and military forces placed by law at his command, and to employ them in the manner he may deem most effectual to harass and conquer and subdue the enemy.

On the face of that statement by the Nation's highest Court, there is a real question as to whether Congress has the constitutional authority to order the ''phased redeployment of the United States forces from Iraq.''

The Supreme Court dealt with the issue on the power of the purse in the case of United States v. Lovett in 1946, holding that Congress cannot use its appropriations power indirectly to accomplish an unconstitutional objective.

So that brings into play squarely what is the constitutional authority of the President as Commander in Chief.

I think it is most unwise for Congress to even broach the subject of micromanagement of the war. When Congressman MURTHA suggested some time ago that funding be conditioned on a whole series of requirements, it bore all the earmarks of micromanagement of the war.

The resolution at hand calling for a redeployment may well cross that line of micromanagement of the war. It is unclear. But there remains the very deep concern in the country, expressed by the electorate last November, expressed by citizens across the country that reflected in the resolution passed by the House of Representatives last month objecting to the administration's conduct of the war and considerable sentiment in this body so that we are searching for a way to approach this issue rationally.

We have to face up to the consequence that if we acknowledge defeat in Iraq, there are very disastrous consequences which will flow from that, disastrous consequences in the region, the issue of whether the terrorists will come at least in part from the Mideast to threaten us on the homeland. But, at the same time, we have to recognize that when the President laid down two markers in his State of the Union speech earlier this year, that the Iraqis accomplish two objectives: One, to stabilize Baghdad, and, two, to end sectarian violence. The Iraqis have not shown either the capacity or the will to accomplish those two prerequisites which the President set down as minimal markers.

My thinking is we ought to deliberate on this subject. We ought to hear each other out, and we ought to seek updated information from the administration to see whether there are any signs, in the several weeks since General Petraeus has undertaken the new

strategy, whether there are any indications of what may lie ahead on the negotiations, now that there have been contacts by the United States with Iranian officials and presumably also with Syrian officials.

I would like to see this Chamber filled with Senators when we undertake this debate. I recollect the debate we had back in 1991, which was classified as historic, when we decided to pass a resolution authorizing the use of force. I know we are all very busy. I am about to go to a hearing of a subcommittee on Labor, Health, Human Services, and Education. This issue warrants the close attention of the Senate. We have been called the world's greatest deliberative body, and this issue now will give us a chance to see if we are entitled to that lofty title.

Mr. President, I ask unanimous consent that a letter I sent to the chairman of the Judiciary Committee, outlining underlying legal issues in the debate we are now undertaking, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE
Washington, DC, February 20, 2007.

Chairman PATRICK LEAHY,
Senate Judiciary Committee,
Washington, DC.

DEAR PAT: I write to ask you to hold additional hearings into the constitutional authority of the Congress to place restrictions on the President's power as Commander-in-Chief to prosecute the war in Iraq. Since there is considerable public discussion on the scope of Congress's constitutional authority to limit the President's conduct in the war in Iraq, and the Attorney General has not responded to our joint letter of January 30, asking for the Administration's legal authority for the President's actions in Iraq, I write to request early additional Judiciary Committee hearings on these issues. Time is of the essence because these matters are coming to a head and there may soon be floor action on legislation, especially in the House.

As you will note, this letter goes into some detail on legislative precedents, judicial decisions and commentaries by constitutional experts to put into public discourse some background on these complex matters in advance of the purposed hearings. Many people have called upon the Congress to set time tables for bringing the troops home or to cut funding for the anned forces as a means of preventing the President from deploying an additional 21,500 troops in Iraq. Last Friday the House of Representatives recently adopted a non-binding resolution indicating that body's disapproval of the President's military strategy in Iraq. Others have pressed for more direct action, proposing legislation to reduce military appropriations until the President agrees to change course.

Representative John Murtha outlined a plan to halt the so-called surge by proposing to insert conditions in the forthcoming supplemental appropriations bill to prevent the President from (1) deploying troops, until they have meet certain readiness standards; (2) redeploying troops, until they have been at home for at least one year; and (3) extending tours beyond one year. (Movecongress.org, Feb. 15, 2007, http://www.movecongress.org/content/index.php). While these proposals may differ in substance, they represent Congressional proposals for the President to change course.

A difficulty the Congress faces is understanding precisely the contours of our power to limit the President's constitutional authority as Commander-in-Chief. As we know, the Congress' war powers are articulated in Article I, 10–16. Chief among those powers is the Congress' exclusive authority to declare war. James Madison wrote: ''In no part of the constitution more wisdom to be found, than in the clause which confides the question of war or peace to the legislature, and not to the executive department.'' Alexander Hamilton & James Madison, Letters of Pacificus and Helvidius on the Proclamation of Neutrality of 1793, at 89 (James Madison) (Washington, D.C., J. Gideon & G.S. Gideon 1845). Originally, the Constitution's Framers proposed that Congress enjoy the power to ''make'' war. The word ''make'' was changed to ''declare,'' however, because it was argued that the term ''make'' might be understood to mean ''conduct,'' and a war's conduct was determined to be an exclusively executive function. While the declaration and funding of war was consigned to the Congress, the actual conduct of the war on the battlefield was left to the President, acting as Commander-in-Chief.

The Congress is not necessarily sidelined once a war begins, however. The Congress can also exercise control over military ventures through its power of the purse, captured in Article I, §8, cl. 1 and Article I, §9, cl. 7, and in its exercise of the Necessary and Proper clause. The Constitutional provisions outlining Congress' and the President's war powers reflect a structural system of checks and balances.

Nevertheless, there is considerable division over the extent the Congress can exercise control over the President's war powers authority. Some prominent academics argue that there are a number of war powers conferred on Congress that allow ongoing regulatory authority with respect to the conduct of war. This view advocates that Congress' authority to control military policy is plenary, extending to the deployment of troops, the battlefields to choose, and the training and regulation of soldiers.

Other commentators, however, believe that the only congressional control over wartime policy is the appropriations power and that it remains constitutional to use the appropriations power to limit the breadth and scope of military deployment so long as such limitation does not impede constitutional presidential war powers. Any effort to tell the President how many troops to send to Iraq or how to fight the war, they would argue, amounts to an unconstitutional usurpation of the President's authority.

The question remains as to where the President's authority to conduct an already engaged war ends, and Congress' supervisory authority begins. It is asserted that the Framers intended, by vesting the Commander-in-Chief power in the President, to give him the sole authority to conduct war. Conducting war arguably includes the power to direct the movement of troops and to employ them as he determines necessary to conduct war. Chief Justice Taney in Fleming v. Page stated ''As commander-in-chief, he is authorized to direct the movements of the naval and military forces placed by law at his command, and to employ them in the manner he may deem most effectual to harass and conquer and subdue the enemy.'' (50 U.S. 603, (1850)). I question whether, absent use of the appropriations power, the only choice for the Congress is a total repeal of the authorization to use military force in Iraq.

If Congress acts to repeal the authorization to use force in Iraq, the question may arise whether the President may veto that action requiring a two-thirds override. It may be relevant that the President does not have to approve a Congressional Declaration of war.

History demonstrates that the Congress has previously acted to restrain the President through threats to cut funding or proposed budgetary requirements. In Federalist No. 58, James Madison explained that the power of the purse represents the ''most complete and effectual weapon with which any constitution can arm the immediate representative of the people, for obtaining a redress of every grievance, and for carrying into effect every just and salutary measure.'' Madison explained that the Congress would ''hold the purse—that powerful instrument by which we behold, in the history of the British Constitution, an infant and humble representation of the people gradually enlarging the sphere of its activities and importance, and finally reducing, as far as it seems to have wished, all the overgrown prerogatives of the other branches of government.''

As early as Teddy Roosevelt's administration, ''Congress conditioned appropriations on a minimum of eight percent of detachments aboard naval vessels being marines.'' Charles Tiefer, Can Appropriation Riders Speed Our Exit From Iraq?, 42 Stan. J. Int'l L. 291, 302 (2006). This represents a specific action by the Congress to control a quite specific aspect of warfare; namely, the composition of the troop on a naval vessel.

Perhaps the most compelling precedent to illustrate Congress' authority to place legislative conditions and withdraw funds to effectuate the end of a war are the actions taken by the Congress during the later half of the Vietnam War. The Congress successfully exercised its spending power to restrict action in Vietnam on at least three separate other occasions. The Special Foreign Assistance Act of 1971, P.L. 91–652, prohibited the use of funds authorized or appropriated by it or any other Act ''to finance the introduction of United States ground combat troops into Cambodia or to provide U.S. advisors to or for Cambodian military forces in Cambodia.'' The second Supplemental Appropriations Act for fiscal year 1973, P.L. 93–50 cut off funding for combat activities in Indochina after August 15, 1973. The Continuing Appropriations Resolution for fiscal year 1974, P.L. 93–52, specifically disallowed the use of appropriated funds to finance U.S. combat activities in or from North Vietnam, South Vietnam, Laos, or Cambodia.

Finally, the Foreign Assistance Act of 1974 all but eliminated the U.S. personnel presence at the close of the Vietnam War. Section 38(f)(1) set a ceiling for the total number of U.S. personnel in Vietnam, ordering a drop to 4,000 within six months and 3,000 within a year. Although President Ford expressed his reservations in a December 30, 1974 signing statement, he nevertheless signed the Act into law.

More recently, the Department of Defense Appropriations Act for fiscal year 1994, P.L. 103–139, approved the use of U.S. troops to protect U.N. units in Somalia, but specifically cut off funding after March 31, 1994. Similarly, the Defense Appropriations Act for fiscal year 1995, P.L. 103–335, provided that, with a narrow exception ''None of the funds appropriated by this Act may be used for the continuous presence in Somalia. . . after September 30, 1994.''

Nevertheless, I understand that congressional power of the purse is not unlimited and the Congress cannot exercise its authority in contravention of the Constitution. What remains unclear, however, is what types of conditions the Congress may impose are unconstitutional. In United States v. Lovett, 328 U.S. 303 (1946), for example, the Supreme Court held that Congress cannot

use its appropriations power indirectly to accomplish an unconstitutional objective. It remains unclear as to how far Congress can go in controlling the President through its exercise of the power of purse. One scholar stated during her testimony before the Senate Judiciary Committee that ''[r]eliance on the power of the purse alone as a check on executive war power. . . can be an overly blunt and sometimes ineffective tool for expressing the will of Congress. Limiting or cutting off funds after forces have already been committed is problematic because it undercuts both troops in the field and America's credibility with her allies.''(Testimony by Ms. Jane Stromseth, Professor of Law, Georgetown University, before the Senate Judiciary Subcommittee on Constitutional, Federalism, and Property, titled ''Application of War Powers Act to War on Terrorism'', April 17, 2002).

As a consequence, Congress may turn to other means to regulate the conduct of war. Article I, Section 8 of the Constitution grants Congress the authority to raise and to regulate armies and navies. Although this has traditionally been understood as the power to create rules governing the armed forces, Alexander Hamilton suggests in Federalist 69 that the Congress may possess the authority to dispatch those forces. Essentially, the President is ''raising'' an additional twenty thousand troops to go to Iraq. Arguably, Congress could pass a law, pursuant to its authority to raise and to regulate the services, that would forbid the President from ''raising'' those forces and dispatching them overseas.

For example, at the end of the 18th Century, Congress passed a number of statutes authorizing limited military engagement with France in the so-called ''Quasi War.'' See Louis Fisher, Presidential War Power 24 (2d ed. 2004). In 1798, the Congress authorized the President ''to instruct and direct the commanders of the armed vessels belonging to the United States'' to seize French vessels that were disrupting United States commerce. 1 Stat. 561 (May 28, 1798). The Congress limited both the kind of force the President could use (the navy only) and the areas where he could use it (our coastal waters, at first, and then the high seas).'' The Constitution Project, Deciding to Use Force Abroad: War Powers in a System of Checks and Balances 15 (2005). In fact, the Supreme Court found that Congress had only authorized seizure of vessels traveling to French ports, not from French ports. Little v. Barreme, 6 U.S. (2 Cranch) 170, 179 (1804).

Similarly, during the reconstruction following the Civil War, Congress attached a rider on an 1867 military appropriations bill providing that the ''orders of the president and secretary of war to the army should only be given through the general of the army (Gen. Grant); [and] that the latter should not be relieved, removed or transferred from Washington without the previous approval of the senate.'' Alexander Johnston, Riders (in U.S. History), in III Cyclopedia of Political Science, Political Economy, and of the Political History of the United States By the Best American and European Authors, 147.7 (John J. Lalor ed., 1899), available at http://oll.libertyfund.org/ToC/0216–03.php. And, in 1878, Congress passed the Posse Comitatus Act, ch. 263, §15, 20 Stat 145, 152 (codified at 18 U.S.C. §1385), which restricted the President's ability to use the military for police actions in the United States by imposing criminal penalties on the troops themselves.

Even with respect to the present conflict, the Congress placed restrictions on the President's use of force in Iraq, requiring him to certify that diplomatic means are insufficient and that the use of force will not impede the war on terrorism, and limiting the use of force ''to. . . (1) defend the national security of the United States against the continuing threat posed by Iraq; and (2) enforce all relevant United Nations Security Council resolutions regarding Iraq.'' Authorization for Use of Military Force Against Iraq, Pub. L. 107–243, §3(a), 116 Stat. 1498 (Oct. 16, 2002).

The debate over the Congress' wartime authority runs deep. Walter Dellinger, former Assistant Attorney General for the Justice Department's Office of Legal Counsel offered a legal opinion to the President explaining: ''[t]rue, Congress has the power to lay down general rules creating and regulating ''the framework of the Military Establishment; but such framework rules may not unduly constrain or inhibit the President's authority to make and to implement the decisions that he deems necessary or advisable for the successful conduct of military missions in the field, including the choice of particular persons to perform specific command functions in those missions.'' (Citations omitted).

The memorandum was written in response to questions on whether Congress could bar President Clinton from putting American forces under foreign (specifically the United Nations) command and ban appropriated funds for such purposes. Dellinger determined that this was an infringement on the Commander-in-Chief clause. He wrote, ''The proposed [House] amendment unconstitutionally constrains the President's exercise of his constitutional authority as Commander-in-Chief. Further, it undermines his constitutional role as the United States' representative in foreign relations. While '[t]he constitutional power of Congress to raise and support armies and to make all laws necessary and proper to that end is broad and sweeping,'' Congress may not deploy that power so as to exercise functions constitutionally committed to the Executive alone, for that would ''pose a 'danger of congressional usurpation of Executive Branch functions.' ''

Nor may Congress legislate in a manner that '' 'impermissibly undermine[s]' the powers of the Executive Branch, or 'disrupts the proper balance between the coordinate branches [by] prevent[ing] the Executive Branch from accomplishing its constitutionally assigned functions.'. Even though there are areas in which both Congress and the President have a constitutional voice, and in which Congress, therefore, may rely on its own constitutional authority to seek to guide and constrain presidential choices, it may not impose constraints in the areas that the Constitution commits exclusively to the President.'' (Citations omitted).

More recently, Professor Dellinger joined a letter signed by 23 law professors to the Congress distinguishing the arguments made in his earlier memorandum with his position today that Congress is well within its constitutional powers to limit the scope and duration of the war in Iraq. He wrote: ''Congress may by legislation determine the objective for which military force may be used, define the geographic scope of the military conflict and determine whether to end the authorization to use military force . . . I believe that the President has extensive inherent powers to protect and defend the United States. In the absence of any congressional legislation on point, I would often presume that the President can act of his own authority and pursuant to his own judgment in matters of national security. Once Congress has acted, however, the issue is fundamentally different. The question then becomes whether the Act of Congress is itself unconstitutional.''

The debate over the Iraq war is the most important issue confronting the American people today. The Congress cannot be pushed to the sidelines as the President commits more troops and ever increasing funds to an engagement that commands uncertain support. We have an obligation to determine how, within appropriate constitutional constraints, we may engage the President and ensure that the will of the American people regarding this conflict is heard. To this end, it would be in the public interest for the Judiciary Committee to conduct a series of hearings to determine the constitutional authority of the Congress to limit conduct of the war.

At the same time, we must be unwavering in our support of the men and women in the field who are so honorably seeking to carry the torch of freedom throughout the world. Even as some may doubt the efficacy of the President's conduct of the war, no one doubts the professionalism, integrity, and dedication of our troops in the field.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I rise today to support the resolution on which I hope we will have an opportunity to vote. As we hear this debate, it is a good debate that should move forward. I hope we will actually get to vote on the resolution.

I am amazed at some of our colleagues who would suggest that this debate shouldn't even take place. The Senate, the greatest marketplace of ideas, the clash of ideas, should be the place in which one of the most momentous issues facing the Nation should have the opportunity for those 100 Senators, elected by their constituencies across the country, to come and not only debate but cast a vote so that the American people know which way the Senate intends to lead on this question of changing the course in Iraq.

What we seek to do is put forward a new direction and a clear plan for Iraq—a clear plan that is very different than the President's current plans to escalate the war in Iraq. We have a plan that, if effectuated, would end the war in Iraq.

Our plan is relatively straightforward and says: One, our troops should leave Iraq by March 31, 2008, with a small number remaining to help with security and counterterrorism.

Those who say we shouldn't have any date because the enemy will outwait us, we see that Sadr's militias have already retracted, that they are already willing to spend the time to wait until it is propitious to strike.

Two, we should start the process of leaving within 120 days.

Three, our troops' mission should immediately change to the priority of training—priority of training—Iraqi security forces, focusing on counterterrorism.

I heard some of our colleagues talk about that element of al-Qaida in Anbar Province. Well, that is 5,000 or so. We have roughly 140,000 troops, and 140,000 U.S. troops could certainly take

care of 5,000 elements of al-Qaida in Iraq and protecting U.S. personnel in Iraq. Or we should take all these steps as part of a comprehensive diplomatic plan, working with Iraq's neighbors and our allies to bring stability to Iraq.

I support this plan. I would like to see it be much more than a goal. I would like to see it move more along the lines of a mandate. I support the plan because it matches the goals of the Iraq Study Group, a bipartisan group that met unanimously, agreed upon all of its recommendations, and who said that U.S. combat forces should leave Iraq by the end of March 2008.

I know some of my colleagues have mentioned comments made by Democrats in previous statements. Well, I would point out that this was a bipartisan group and it had prominent Republicans on it, such as former Secretary of State James Baker, Lawrence Eagleburger, Ed Meese, Sandra Day O'Connor, and Alan Simpson. They all came to the conclusion, as we have in this resolution, that, in fact, our goal should be to have our troops out by March of 2008.

I support the plan because it transitions the mission for our troops, instead of keeping them fighting in the middle of a civil war. I support the plan because it sets a clear timeframe for our troops to leave Iraq. In my mind, unlike the way in which our opponents in this regard pass a negative light on a timeframe, I think a timeframe is the most powerful element to achieve success in Iraq. It is only by setting a clear timeframe for our troops to leave that Iraqis will have to take the responsibility for security in their country and to work out their political power struggles.

Some of these hearings that I have been part of in the Senate Committee on Foreign Relations, you hear how so much of the struggle among Iraqis is about political power. Is it the mission of the U.S. troops, the sons and daughters of America, to sit in the crossfire as people are pursuing political power? I think not.

Unless we have the Iraqis understand this is not an open-ended commitment, they will never make the hard choices, compromises, and negotiations necessary for a government of national unity, if that is possible. They will never get there so long as they believe we will shed the blood and our national treasure in an unlimited fashion. It is only by setting a clear timeframe for our troops to leave that Iraq's neighbors will start to take responsibility for ending the chaos inside of Iraq.

Right now, that violence hasn't reached the tipping point for them to get Iraq's neighbors involved. Ultimately, it is not in their national security interest to have the conflict spill across their borders and have Iraq disintegrate, but they do not yet feel the pressure to do this. By setting a date certain to leave, we create a new incentive for Iraq's neighbors to help quell the violence.

It is only by setting a clear timeframe for our troops to leave that the international community will take its responsible and necessary role in Iraq. Right now, the international community sees this as America's war. Once we make it clear we will not be there permanently or indefinitely, they, too, will have an incentive in getting involved to help preserve security in a region that is incredibly important to them, much closer to Europe than the United States. By setting a clear timeframe for our troops to leave, we actually motivate Iraq's neighbors and the international community to take the steps necessary to stabilize Iraq.

Let me be clear, for my friends who are saying we shouldn't vote for this resolution. They say we shouldn't try to micromanage the war. No one is trying to micromanage a war. There is a constitutional responsibility by Members of the Senate to act as a legislative body. I say the era of blank checks, both in lives and national treasure, is over. They say don't micromanage the war. Well, you have had a blank check under this administration. You have rubberstamped everything they have wanted, with virtually no oversight, until this new Congress started. That is not the responsible exercise of the Senate. They say slow bleed. How about the endless bleeding going on now?

Let me take a moment to talk about the President's plan to escalate the war and stay there without any timeframes that bind. First, let's be frank. I simply don't believe the recent escalation of troops in Iraq is a temporary surge. I believe it is a long-term escalation. Even General Petraeus has said we are in it for the long haul, and that, to me, is undefined.

I wish this administration would be honest with the American people and the Congress about the total cost of the escalation and the total number of troops needed for the escalation. I sit as a member of the Budget Committee, and we had the Deputy Secretary of the Department of Defense, Mr. England, testifying in a hearing. I said to him: If the chairman would put you under oath, would you say that the $5.6 billion that you want in addition for the escalation of the war would be the total amount; the total cost? He told me: Yes, even if I was under oath it would be roughly that amount. Of course, depending on the needs of the commanders. And then that weekend—that weekend, after the hearing—the administration said they needed another $2 billion. They needed $2 billion more over a weekend? That is not a small amount of money that he didn't know about. We are also told the administration will need more troops, and there may be additional billions added to the supplemental. Each time we ask, we get a different answer. I, for one, would like a clear and honest answer for the total number of troops and the total cost of the troop escalation.

Staying indefinitely in Iraq isn't in the national interest or the national security interest of the United States. Our troops are caught in the middle of a civil war they can't solve. Adding more troops will only put them more directly in the middle of an Iraqi fight. Keeping our troops there or adding more troops is trying to solve a political problem with a military solution.

I have heard General Pace and others in the past say: You know, we have to get the Iraqis to love their children more than they hate their neighbors. That is a powerful truism. We have to get the Iraqis to love their children more than they hate their neighbors. That, however, cannot be accomplished by military might. That is accomplished by reconciliation measures. That is accomplished by confidence-building measures. That is accomplished by revenue sharing. That is accomplished by power sharing. It cannot be accomplished at the point of a gun. It cannot be accomplished at the point of a gun.

Staying there would only continue to empower and embolden Iran, a country that has turned out to be, by many experts who have testified before the Senate Committee on Foreign Relations, one of the biggest winners in our war with Iraq. Staying in Iraq actually keeps the Iraqis from making the hard choices, compromises, and negotiations necessary to achieve a government of national unity.

Frankly, what we hear from the other side doesn't make sense to me. They talk about victory. What is the definition of victory? Is it when the President landed on the aircraft carrier, fully decked out, and said, ''Mission accomplished''? Is it the many times we have heard the administration say, victory is right around the corner? How many lives, how much national treasure, what victory are we talking about? They talk about benchmarks for the Iraqis, but they set no consequences. Benchmarks without consequences are simply aspirations, nothing more.

Victory. How many lives must we lose? How much more money must we spend? How long will we be in this war under a plan without end of the President? I believe it is long past time to change the course in Iraq. That is why this vote to allow us to move forward, to allow us to have a final vote on changing the course in Iraq and laying out a plan that can create the best possibility for victory in Iraq is essential, and that is what I hope we will do between today and tomorrow.

Finally, in the time it takes me to finish my remarks this afternoon, the United States will have spent over $2 million on the Iraq war today. Our Nation spends over $8 billion a month in Iraq. We spend $2 billion a week in Iraq. We spend $280 million every day. And the loss in money pales, pales in comparison to our Nation's loss of our best and our brightest, with almost 3,200 lives lost in the conflict and over 24,000 who have been wounded.

I visited them again this past weekend in New Jersey at the Veterans Hospital at Fort Dix. I listen to the stories they tell me, especially now as they face challenges in this part of their life. I know that may be another subject matter, but it is something for which we have to be responsible. A grateful Nation does not just say they are grateful, a grateful Nation takes care of those who serve their country, in how we treat them in their health care, how we treat them in their disability, and how we treat their families, for those who commit the ultimate sacrifice on behalf of the Nation. The stories I heard from those soldiers do not indicate a grateful Nation.

I didn't vote for the Iraq war when I was in the House of Representatives. I believe that was one of the most important votes I ever cast. I don't support the President's escalation of the war. I was in the minority when I voted against the war in 2002, and there were those who said voting against the war would be political suicide. Even with that knowledge, I put my seat in the Congress on the line because my conscience told me this was simply not the right thing to do.

In a speech about the war, the President said the following:

> In speaking of the consequences of a precipitous withdrawal, I mentioned that our allies would lose confidence in America. Far more dangerous, we would lose confidence in ourselves. Oh, the immediate reaction would be a sense of relief that our men were coming home. But as we saw the consequences of what we had done, inevitable remorse and divisive recrimination would scar our spirit as a people.

The President added:

> I recognize that some of my fellow citizens disagree with the plan for peace I have chosen. Honest and patriotic Americans have reached different conclusions as to how peace should be achieved. I share your concern for peace. I want peace as much as you do. I have chosen a plan for peace. I believe it will succeed.

That plan did not succeed. The man speaking wasn't President Bush but President Richard Nixon, and the war he spoke of was not the war in Iraq but the war in Vietnam. It is painful to hear the similarities between what was said by the President of the United States in that conflict and the one in which our Nation is currently ensnared. It is even more painful to see an administration and a President similarly disconnected from the American people.

In soaring speeches, President Bush, the Vice President, and Republican allies invoke the ''will and courage'' of the American people. They say, if the American people would have the ''will and the courage'' to persevere in Iraq, then we can succeed militarily. This administration fails to understand this war is not just about will and courage, it is also about wisdom and clarity of judgment, traits that have been sorely lacking in this administration.

No one should doubt the will of the American people. In fact, they expressed their will last November, a point that seems to elude many Members of this Chamber. The American people have the will, they have the nerve. What they no longer have is patience with this administration and the continued failed policy in Iraq, and they are losing patience with Members of this body.

It is time for the Senate to take a stand against the President's failed plan in Iraq and to vote for a new plan, a new plan and a new course to end the war in Iraq.

I urge my colleagues to support the ability to move ahead, to have a final vote, and then I urge them to support the resolution that would lead us out of the war in Iraq, that could give us the greatest opportunity for victory, that would give the greatest opportunity for the Iraqis to make the hard choices, compromises, negotiations for a government of national unity, and in doing so would honor those who have served their country with courage, with valor, and with distinction.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator BILL NELSON be recognized next and Senator GRAHAM be recognized after Senator NELSON, and then we return to Senator DORGAN.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I say to my colleagues in the Senate that I support this motion to proceed and want us to get on to the resolution so we can have a full and thorough debate on this issue of what to do in Iraq. Without a doubt, this issue is the No. 1 issue, foremost in the minds of the American people. My State of Florida, being a microcosm of the entire country, is certainly reflective of that. People are unsettled over the course of the war. They are unsettled over the fact that none of our leadership will indicate we are winning this war and, indeed, at the same time they recognize the stakes are so very high in that part of the world if we are unsuccessful. Therefore, because this issue naturally is at the forefront of Americans' minds now, and what to do about it, we need to get it out here and get it thoroughly discussed and debated.

It seems to me one of the fundamental mistakes at first of going into Iraq was not to understand the world of Islam and the schism that has been there for 1,327 years, ever since the battle of Karbala, in 680 A.D., when the grandson of the Prophet Mohammed was killed in the battle. That led to a division of those new worshipers who had followed the Prophet Mohammed into the primary sect, Sunnis, and those who were rebelling, the Shiites.

That schism has lasted ever since. We see attempts at bringing those two groups together, but we always see—just in the demonstrations in the religious holidays recently reenacting that battle, establishing the Shiite sect as one that is separated from the Sunnis—they have been at it ever since. So, when you have a country that has those two sects, they have been at each other's throats and you find that order has been maintained, in the case of Iraq, by a brutal dictator who favored one sect over the other. Now that that dictator has been overthrown and is no more, in an attempt to bring about democracy, you see the majority in that country of Iraq, the Shiites, suddenly feeling they have control and maybe it is not quite so bad that they let out—in their mind, they say it is not so bad—to let out their frustrations on the ones who had kept them down for years and years, their rivals, the Sunnis. In the process, you get this sectarian warfare which is, by anybody's definition, very close to civil war.

How do we stabilize Iraq? For us just going in and thinking it is going to be a democracy and that the Shiites are going to play the democratic game and the Sunnis are—and not even to speak of the branch of the Sunnis, the Baathists, who had been the ruling party—to think they are all going to play the game of democracy and majority rules, you have seen, now, after going on 4 years, what has happened.

So what do we do? We have a suggestion by a unanimous decision by a bipartisan group of extremely well thought of people called the Iraq Study Commission, led by former Secretary of State, former Chief of Staff of the White House, Jim Baker, and led by Congressman Lee Hamilton, former Member of the House, former head of the International Relations Committee in the House of Representatives. Unanimously, 10 people—5 Democrats and 5 Republicans—came up with a plan. How do you stabilize Iraq, given the conditions we find ourselves in there today? They said, clearly, what you have to do is stop having the mentality of an American occupying force. Let the Iraqis start to work it out for themselves. Realize there is probably going to have to be a separation of the sects until they can get them stabilized, and in the meantime do a very aggressive, diplomatic effort throughout the region to get all of the countries in the region to buy into what is ultimately the political solution.

This Senator thinks, given all of this chaos and tumult and sectarian warfare, that political solution is going to have to be some kind of division. Clearly Kurds in the north basically have their own autonomous government. Shiites are concentrated in the south. Sunnis are concentrated in the center. They made an important first step recently in the establishment of a new law distributing the oil production—which is not distributed geographically throughout the country but is concentrated in the north and in the south.

So if all the elements are there to make this possible for local control, of Kurds in the north, Sunnis in the middle, Shiites in the south, distributing the oil wealth proportionally according to the population, having a national government for the common defense, let's see if that political situation will work.

People say you can't do that because you have all these neighborhoods where Sunnis and Shiites are all living together. But the fact is the separation is already occurring because of the sectarian violence and the killing that is going on. You are seeing that separation.

If that is a likely political outcome that has the best chance to stabilize Iraq, then what should be the position of the United States and its forces, and what should be the policy of the United States to bring that about? Go back to the Iraq Study Commission. People say there is not a plan. There is. There is a plan. It is printed. It has about 75 recommendations. What it says is the American force should withdraw from the midst of that sectarian warfare, withdraw more to the perimeter, start lessening the forces and therefore the casualties to our American men and women, and use that force to train the Iraqi Army—to continue to train them—to provide force protection and very likely border control, since the neighbors in the region have not been exactly good on that—that is something we ought to be diplomatically insisting on, with the neighbors in the region—and to continue to prosecute the war against the terrorists by going after the terrorists there, particularly al-Qaida, who are trying to undermine the whole process.

What I have outlined, which came from the basics of the Iraq Study Commission Report and Recommendations, is the essence of the Reid resolution that is before the Senate. That is why I think we ought to get it out here, get it debated and, barring some unforeseen turn, it is this Senator's intention that he will support the Reid resolution. This does not say withdraw. It says redeployment. It doesn't say get out of Iraq, it says get out of the cities in the middle of the crossfire of a civil war. It says utilize the American forces for training, going after al-Qaida, and for the purpose of force protection. That makes common sense in the overlay of a very complicated part of the world.

As I close, I say that the United States, back in the 1980s, thought by the introduction of troops we could suddenly help bring about peace in another very troubled part of the Middle East, the country of Lebanon. Suddenly, it was as if scales fell from our eyes, that we saw it was an either/or. But it was multiple choice of all the factions that were there, each with a stake in the outcome. It became very difficult, particularly when the Americans became perceived to be supporting one particular part of those factions. Watch out for that happening today in Iraq. Let us understand something from the mistakes that were made in the past in places such as Lebanon as to how you ultimately stabilize an area and what is in the interests of the United States.

I think part of that wisdom is what came to bear by those 10 people unanimously agreeing, in the Iraq Study Commission, whose work product boiled down is, in essence, the resolution before us here in the Senate.

I thank the Chair for this opportunity to share these thoughts with the Senate.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I appreciate the opportunity to share some thoughts on what is probably the most important decision the Senate will make in the war on terror for decades to come, not just for the next election. I have a framework in my mind about what is going on in Iraq and how it fits into a global struggle. Quite frankly, I think it is unshakeable. I am not pursuadable on this issue. I will put my bias right up front. The outcome of what happens in Iraq is part of an overall global struggle called the war on terror. That is not just my view; it is the view of the al-Qaida members who have gone to Iraq to destabilize this infant democracy.

It is being billed all over the Mideast as the struggle between moderation and extremism. We have Sunni extremists trying to get back in power. They reigned during the Saddam era, and some of them do not want to give up power. They want to destroy this democracy so they can rule again as a minority within Iraq because they had a taste of it before—that power—and they do not want to give that up. The Shia extremists, who are a minority of the Shia community, have a hope to create a theocracy in Iraq, not be the dominant political party in a democracy. They have a religious agenda for Iraq very similar to Iran. Then you have foreign fighters, including al-Qaida, who see a democracy in Iraq as the biggest threat to their overall agenda.

What we are talking about is withdrawing from a central battlefront in the war on terror. What would be the consequences of redeploying—whatever word you would like to use—in the overall effort called the war on terrorism?

I think it would be the worst signal you could possibly send to the insurgents, to the extremists, and to al-Qaida members who are involved in this fight, who are watching this fight. Redeployment means surrender. If you think we are in the middle of a civil war that is a hopeless endeavor, cut off funding and get the hell out.

This idea of trying to go somewhere where it is safe for Americans is folly. If you are in uniform in Iraq, there is no safe place for you. Wherever we move to, they are coming after us. We have this illusion that there is a place we can go inside of Iraq or some other country in the Mideast that will provide safety. I can assure you our enemy is intent on proving to us there is no safe place for us in the Mideast. When I say ''us,'' I mean those men and women wearing the uniform.

The goal of the extremists in Iraq—some are limited to the country of Iraq. Other extremist groups within Iraq have a wider goal. Their goal is to drive American forces out of the Mideast. So there is no place, in my opinion, you can redeploy within Iraq that would not be a signal to the people we are fighting that we are surrendering and retreating.

This war is about not killing terrorists from an American point of view alone, it is about empowering moderates. The Bush administration has made plenty of mistakes. The biggest mistake we made after the fall of Baghdad was not appreciating how much Saddam Hussein had raped his own country, how hard it would be to build a democracy out of ashes of a dictatorship, doing this on the cheap, assuming the best, never planning for the worst, and not having enough troops on the ground to provide security, which is essential to democracy.

It is so easy to beat on the Iraqi political leadership. They deserve to be pushed, and they deserve to be challenged. But one thing I can tell my colleagues, they represent a better Mideast than the groups trying to literally kill them. Our goal is not to just destroy terrorist organizations; it is to empower moderates.

The Democratic Congress is about to trump any mistake Bush has made by a factor of many. If they, as a Democratic Congress, set in motion a resolution that would undercut General Petraeus's ability to reinforce Iraq in a way that makes sense, then they have made a much bigger mistake than President Bush has ever made. If my colleagues are trying to pass a resolution that would make it impossible for moderates to reach political consensus because security is no longer certain, then my colleagues have made a much greater mistake than President Bush.

Now why not cut off funding? I guess the only reason we are not cutting off funds is because the American people, through polling, say that is a bad idea. But I know there are many on the other side who want to cut funding. To be honest, I respect them immensely; I just disagree with this idea of taking a middle position that has as its basis that there is a safe way to redeploy and not affect the outcome of Iraq. That, to me, is just folly. It is unconstitutionally sound. It destroys the ability of the commander on the ground, General Petraeus, to do the job we sent him over there to do. It will be a sign of weakness to those we are fighting. Moderates will start hedging their bets. My belief is that the stronger we are in Iraq, the bolder the moderates

will be. The weaker we become, the more uncertain they will be.

It took us from 1776 to 1789 to write our own Constitution. When the product was written, women could not vote, and African Americans had no standing in the law. So I know there are religious problems in Iraq of a longstanding nature. I know this: Before al-Qaida bombed the Samarra mosque, the third most holy Shia holy site in Samarra, there had been generations of Iraqis, Sunnis and Shias, living together, intermarrying. I do not believe Sunnis and Shias are born to kill each other.

I do believe, like other places in history, other times in history, and other places on the planet, people are divided—sometimes by race, sometimes by religion—and our country needs to come to the aid of those who want to live together and reject religious bigotry.

The idea of dividing the country based on race, not many people in this body would say: Yes, that is a good idea, that will bring about peace, because it is giving in to bigotry. The idea of trying to give in to religious differences is insurmountable, is giving in to religious prejudice. I do believe the Iraqis can overcome their differences because it is in their best interest. But I do believe, if we do not reinforce this infant democracy at a critical time in its formation, we are going to lose in Iraq and the war just begins, it does not end. If you think withdrawing or redeploying ends this war, then I think you are going to be proven wrong in history.

I know what awaits those who are involved in the surge: more risk, more blood, and more treasure. On the other end of this surge, my hope is that we will provide enough security—holding areas previously cleared—and the Iraqi Government will step to the plate and start sharing the oil, doing the things politically they need to do to reconcile their country.

No one believes 21,500 troops are going to solve the problems of Iraq. Military power has its limitations, but we need to reinforce Iraq politically, economically, and militarily. The general we have sent to do the job has told us what he needs. He has a plan to accomplish his mission. The Congress is undercutting him at every turn.

This is the 17th resolution. I do not know what the magic number is to find the resolution that fits the political moment, but I can tell you this: The resolution in Iraq is not about the political moment; it is about decades to come in the Mideast if we can empower the moderates who are fighting and dying for their own freedom.

I say firmly and boldly to these Iraqis who have joined the military, who have joined the police, who are wanting to be judges, to those political leaders trying to find common ground between the three factions: You have my admiration and support because I know what it is like to be challenged in politics, when special interest groups try to take your job away from you because you will not do what they tell you. I cannot imagine what it is like to make political decisions knowing they are trying to kill your family.

I do believe the outcome in Iraq is part of a global struggle and that we need to reinforce Iraq on all fronts to have a chance, our last best chance to get this country up and running under democratic principles.

Talking to the neighbors is a wonderful thing. Somebody needs to be talking to Iran about their nuclear program and deal with this nut who is the President of Iran, who goes into the United Nations and says openly: I would like to wipe Israel off the face of the Earth, and who is challenging the world openly today that he will not give up his nuclear ambitions. It is clear to me, and I think anyone else who has looked at Iran, they are trying to develop a nuclear weapon to change the balance of power in the Mideast, and they are involved deeply in Iraq because their biggest nightmare, from the Iranian point of view, is a stable, functioning democracy. The theocracy in Iran does not have a shared interest with the United States or the Iraqi people when it comes to forming a democracy. If we can get them involved to help us provide security, let's give it a whirl. Let's give it a try. I do not believe they really have that as their goal.

Syria is trying to undercut this infant democracy called Lebanon. They are playing hard in Iraq because they are a police state.

I believe that the neighbors, Syria and Iran, are part of a global challenge to freedom-loving people. They are not the solution; they are the problem.

Where we find moderates in the Mideast, we need to stand boldly with them and give them the ability, the best we can, to change the course of the Mideast. This effort to withdraw and redeploy is the worst possible signal you could send to moderates or extremists. This is a war which has religious components to it.

There is one group who has proven they can live together in Iraq in peace, willing to live with us in peace. There are plenty of moderate forces throughout the Mideast who want to live on the planet with the rest of us and have a desire to do so. There is a minority who have hijacked a great religion, who have no place for us—moderate Muslims, Jews, or anybody else who is different. They want to destroy Israel eventually. They are not kidding.

I wish we could go back in time—not just to Lebanon, but I wish we could go back into the 1930s and take Hitler for what he was. I wish we would understand who our enemy is and take them for what they are. They are barbarians who kill without conscience. They have an agenda in writing. They are hell-bent on achieving that agenda. That agenda goes like this: Destroy anything or anybody that embraces a concept called democracy or is sympathetic to the West, to moderate governments where they exist in the Mideast; turn your attention toward America, drive us out of the Mideast; establish a religious-dominated Mideast with a view of religion that is harsh to everything and everybody; and destroy Israel. I am not making this up. This is not my theory of what they want to do; this is what they said they will do.

Iraq is the chance to turn it around. Iraq is a great opportunity for us, the Iraqi people, and the world at large to stand up to the extremists and beat them politically, militarily, and economically.

This resolution we are about to consider or may consider sends the worst possible signal at the most important time in the war on terrorism. Whatever mistakes President Bush has made in his administration—I think they are well documented—the biggest mistake is yet to come, and that would be passing this resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I would ask unanimous consent that Senator CARDIN be recognized for 5 minutes and then Senator KENNEDY be recognized immediately after the remarks by the Senator from Maryland.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maryland.

Mr. CARDIN. Mr. President, I urge us to move forward and consider the Iraq resolution so that every Member of this body can speak on this issue, we can debate it, and we can cast our votes on what we believe the policy should be for the United States in Iraq.

I would like to take us back to October of 2002. I was in the other body in October 2002. I voted against the resolution that gave the President the right to use force in Iraq. Let's remember the basis on which that resolution was passed. We were told that Iraq was in violation of U.N. resolutions concerning weapons of mass destruction and we needed to have the option to use military force in order to enforce that resolution and get rid of weapons of mass destruction.

The United States was also concerned about the war against terror, and there were statements made about the war on terror. I might tell you, there was no evidence that Iraq was involved in the attacks on our country on September 11. And, yes, there was a desire by many to get rid of the regime of Saddam Hussein.

What has happened since then? Our American troops have been in Iraq. We found no weapons of mass destruction. There are serious questions as to the intelligence information we had and how that was relayed to all of us. Saddam Hussein is gone. He has been removed. The Iraqi Government is now in place. A constitution was adopted. A government was elected. The Maliki government is now responsible for the affairs of Iraq. Times have changed.

But the most significant change that has occurred in Iraq during the last year has been the increased sectarian violence—a civil war. That is what is taking place in Iraq today. It is clear the presence of the U.S. military will not end the civil war. Iraqis need to end the civil war through diplomacy and negotiations and the confidence of the people in Iraq.

Something else has changed in the last year. We had national elections in our country, midterm elections. The people asked for change. Now there is a change in the Congress, and during the first few months of this Congress, we have held over 40 oversight hearings on what is happening in Iraq. I do not recall these hearings taking place in the last Congress.

Those hearings have pointed out—with expert after expert; military expert, foreign policy expert—we are not going to end the sectarian violence in Iraq by increasing American troops. We cannot win it on the battlefield. We have to deal with it and negotiate a settlement in Iraq.

We have before us the Reid resolution. We also have before us the President's current policies in Iraq. Do we want more of the same—an escalation of troops, a continuation of U.S. military presence in Iraq in the midst of a civil war—or do we want a change in direction? The Reid resolution represents a change in direction. It is a change in direction as it relates to U.S. troop levels.

We have lost almost 3,200 American troops, 68 from my own State of Maryland. There is a civil war in which American troops are not adding to ending that civil war. We need to look at whether we want to increase our troops, as the President wants, or to start redeploying our troops so the Iraqis can stand up and defend their own country so we can look for a political solution to what is happening in Iraq. We can remove the big target on Americans. Public opinion in Iraq says it is OK to kill Americans. We have to remove the American presence so we can move forward.

The Reid resolution gives us a well-defined mission which we can achieve, which is in the interest of the United States, that the Iraqis would take responsibility for their own country, would have well-trained security forces.

The resolution speaks to what we need to do as far as a surge in diplomacy, to urge more countries to get involved so the Sunnis and Shiites can live together and have confidence in their own government that represents a change, that represents a direction that is in the interest of the United States.

I urge us to be willing to debate this resolution and to vote on this resolution. That is our responsibility. It is our responsibility as Members of this body. It is our responsibility to our men and women who are serving our Nation, our Armed Forces. It is a responsibility we owe to our Nation. I urge my colleagues to move forward so we can go on record and change the direction of America's participation in Iraq so we can achieve the objectives that are in the interests of our Nation.

Mr. President, I yield back the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, is there a time allocation or are we without a time allocation?

The PRESIDING OFFICER. The Senator does not have a time limit.

Mr. KENNEDY. I thank the Chair. I do not intend to be long, and I am glad to yield at any time to the chairman of the Armed Services Committee.

Mr. President, this is a defining moment for our country. The American people are watching. The world is watching. The issue is clear. Will we stand with our soldiers by changing their mission and beginning to bring them home, or will we stand with the President and keep our soldiers trapped in Iraq's civil war?

History will judge us. We can either continue down the President's perilous path or insist on a new direction. If we do not change course, we know what lies ahead—more American casualties, more wounded, more destruction.

A new strategy that makes Iraqis less reliant on our military is the best way forward.

More of the same misguided policy will result in more of the same tragedy for our military. Let's try a new course and let's try it now because Iraq is the overarching issue of our time and because we need to protect our national security.

We are told we need to be patient. We are told we have to give the latest escalation a chance to succeed. But we have heard all of that before.

We have heard for years that this administration has a plan for success. We have heard for years that progress is just a few months away. We have heard for years that we have turned the corner.

But the plans for success keep getting tossed aside for new plans. The administration has benchmarks to measure success, but there are no consequences when the benchmarks are not met.

The timelines for progress keep getting extended. We have turned so many corners that we have ended up back where we started—trying to control Baghdad. It is time for a new direction.

Mr. President, I reference this document. It is: ''Measuring Stability and Security in Iraq.'' It is a report to Congress by the Department of Defense, embargoed until 3 o'clock this afternoon. It is now after that hour. Here is what this document, which has just been released by the Department of Defense, has to say on stability and security in Iraq:

> The last two months of 2006, however, saw little progress on the reconciliation front. The first two of four planned reconciliation conferences were described in the last report (November 2006). These conferences laid solid groundwork for subsequent conferences, but there has been little progress since then and the conferences had no effect on quelling violence. On December 16–17, 2006, the Political Parties Conference was held in Baghdad. Speeches given by the Prime Minister and other Iraqi officials focused on political participation and national unity, and welcomed former Ba'athists into the political process, so long as they showed loyalty to the new national government. The Sadrist bloc, top Ba'athists, and many Sunni factions did not participate. A fourth conference of religious leaders has not yet been scheduled due to lack of financial support and attendance challenges.

Mr. President, too many parents have had to bury their sons and daughters. Too many children have been left without their father or their mother. Too many soldiers are missing arms or legs. Nearly 3,200 of our forces have been killed. More than 24,000 have been wounded. The casualties keep mounting. The violence in Iraq continues to spiral as well. Our troops are in the impossible position of trying to stabilize a country at war with itself.

The recent National Intelligence Estimate confirms the nightmare scenario unfolding for our troops. Iraq is sliding deeper into the abyss of civil war, and our brave men and women are caught in the middle of it. Prospects for halting the sectarian violence are bleak. Greater chaos and anarchy are looming ahead. Needless additional U.S. casualties are inevitable.

The intelligence community has finally determined what everyone but the Bush administration has been willing to admit for some time. As the Intelligence Estimate stated:

> [T]he term ''civil war'' accurately describes key elements of the Iraqi conflict, including the hardening of ethno-sectarian identities, a sea change in the character of the violence, ethno-sectarian mobilization, and population displacements.

Those are the words of the intelligence community. Secretary Powell agrees. Former U.N. Secretary General Kofi Annan agrees. Only President Bush continues to stubbornly deny that our troops are policing a civil war.

The facts speak for themselves. According to the United Nations, nearly 35,000 civilians were violently killed in Iraq last year. In November and December of last year, more than 6,000 civilians were killed. Most were killed in Baghdad, where ''unidentified bodies killed execution-style are found in large numbers daily.'' More than 2 million refugees have fled the violence in Iraq, and another 1.8 million have been displaced internally.

Our military should not be caught in the middle of this quagmire. Only a political solution can solve Iraq's problems.

General Casey, in his June 2005 testimony to the Senate Armed Services Committee, called out for a political solution. He said:

If you look back historically at how insurgencies have been defeated, they have been defeated when the insurgents saw their options as better protected in the political process and their prospects for economic advancement can be better protected by the political process than fighting for them. And that's the essential element here.

Last August, General Abizaid spoke about the need for a political solution. He said:

Our troops are the best equipped, the best trained, the best led in the world. And I am enormously proud of them, and I have the utmost confidence in their ability to handle any mission. Yet, sectarian violence is worse than ever in Baghdad in particular. And I wonder about the validity of a strategy that says that less capable troops that are not as well equipped, trained or led as the best troops in the world can handle the security of this country if the upswing in violence has occurred despite the presence of the best troops in the world. It doesn't give me a lot of confidence in our underlying strategy. And it suggests to me—

This is General Abizaid—

it suggests to me that what we need is a political rather than a military solution.

Last week, General Petraeus, the new commander of our forces in Iraq, stated that there is ''no military solution'' in Iraq. But no one in the administration has been able to clearly articulate a political solution or how it can take hold in the midst of this chaos. Instead of giving the Iraqis a necessary incentive to get their political house in order by beginning an orderly redeployment of our troops out of Iraq, the President stubbornly insists on sending more and more troops into Iraq's civil war. Escalation didn't work in Vietnam and it will not work in Iraq either.

The President's latest proposal—to increase the number of our troops in Iraq—makes no sense at all. Sending more troops into the cauldron of Iraq's civil war is not the solution.

In addition to the fact that we know a military solution is not the answer, the administration still has not leveled with us on the number of troops the President plans to send to Iraq for the surge.

On January 10, the President announced he had committed more than 20,000 additional troops to Iraq. Within a few days, this number had been revised to 21,500.

The CBO estimated that it would be far higher—as much as 35,000 to 48,000 troops when support troops are included.

On February 6, I asked General Pace and Secretary Gates for the best military estimates of the actual size of the escalation, and their answer was an additional 10 to 15 percent. General Pace said:

You're going to need no more than another 2,000, 2,500 troops on the ground.

By February 15, the number had more than doubled. General Schoomaker told the Armed Services Committee his estimate was somewhere between 5,000 and 6,000 troops when you included imbedded trainers.

Then, on March 6, Deputy Secretary of Defense Gordon England told a House committee: ''About 4,000, maybe as many as 7,000.''

Last week, at the request of General Petraeus, Secretary Gates authorized an additional 2,200 military police troops.

We still don't have an accurate total for the size of this escalation. The administration refuses to speak with clarity and candor. Since the current surge began, Shiite militias in Baghdad may be lying low, but violence has increased elsewhere in Iraq. In Diyala Province, in 3 months, American casualties have exceeded the number for the entire year of 2006. In January this year, 83 American soldiers were killed, compared to 62 in the same month a year ago. Eighty more Americans were killed in February of this year. In the same month last year, we lost 55 soldiers. Already, in 2 weeks this March, we have lost more than 31 soldiers, the same number killed in the entire month of March of 2006.

This is what today's report from the Defense Department points out on page 18, under the section ''Attack Trends and Violence'':

The total number of attacks on and casualties suffered by coalition forces, the ISF, and Iraqi civilians for the October-December reporting period were the highest of any 3-month period since 2003.

It continues:

Coalition forces continued to attract the majority of attacks, while ISF and Iraqi civilians continued to suffer the majority of the casualties.

That is today's report.

Continuing our open-ended commitment to stay in Iraq will not bring victory, it will not stop the violence, and it will not protect our national security.

The administration has outlined military, economic, and political benchmarks to measure success, but it has not given any timeline to achieve them, and it has not stated any consequences if the benchmarks are not met. This same administration supported timelines for every Iraqi election and for drafting the Constitution. Yet it remains emphatically opposed for any timeline for the redeployment of our military.

The American people have been patient. But America now has been in Iraq longer than it took us to win World War II. Instead of progress, we continue to see unacceptably high levels of violence, death, and destruction. We are putting too much strain on our Army, especially the Army National Guard. The Army is overextended. Many soldiers are now on their third rotation. To deal with the recruitment shortages, we have eased the standards and increased the bonuses. The Department of Defense is formalizing a policy to redeploy reservists more often and for longer. But in the long run, we can't protect our Army if we don't end the war.

Our troops have done their part. They have served with great courage. We are proud of their service, and we are ready to welcome them home.

It is time to change course. It is time to ask the Iraqis to step to the plate and take the responsibility for their own future, and it is time to begin to redeploy our troops out of Iraq. It is time to put the Iraqis on notice that our military will no longer be a permanent crutch for them to lean on. As General Abizaid told the Armed Services Committee last November:

I believe that more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future.

It is time for American combat troops to begin to come home.

Those of us who opposed the war are used to the administration's attacks when we disagree with their wrong-headed policy. We have come to expect that. They have questioned our patriotism and call us defeatists. When we challenged the President's misguided policy, he accused us of having political motives and being partisan.

Before the war, Vice President CHENEY said we hadn't seen all the intelligence he had seen. But after the war, when things were going badly, the President said more than 100 times that we had seen the same intelligence.

More than 2 years ago, I called on the administration to focus on the training of the Iraqi security forces and to begin to redeploy our troops out of Iraq. I said the Iraqis need to take responsibility and that we should set a goal of about a year for the redeployment of most of our forces out of Iraq. Rather than debating the merits of the policy, the Republican spin machine went into overdrive. A year ago, on the third anniversary of the war, Vice President CHENEY went on national television and said:

I would not look to Ted Kennedy for guidance and leadership in how we ought to manage national security.

Well, the American people certainly know we cannot look to the Vice President and this administration for national security. The administration has been consistently wrong about the war in Iraq. Year after year, they insist on a dangerously incompetent strategy. They were wrong about the link between al-Qaida and Saddam Hussein. They were wrong about Saddam Hussein's weapons of mass destruction. They were wrong about America being greeted as liberators. They were wrong about the insurgency being in its last throes, and they are wrong to deny that Iraq is a civil war.

The American people are far ahead of the administration. For all of us who oppose this misguided war, our goals have always been clear: protect the lives of our soldiers and protect our national security.

We have an obligation to stand up for our troops and stand up to the President when he stubbornly refuses to

change course in Iraq. Our legislation will do that. It will change the mission of our military away from combat and require the President to begin to redeploy American combat troops out of Iraq in 4 months. The target date for the completion of the redeployment is March 2008—1 year from now. A limited number of troops would remain in Iraq after that to train and equip the Iraqi security forces, to conduct counterterrorism, and to guarantee the safety of our soldiers.

Our proposal is consistent with the bipartisan Iraq Study Group's finding. It recommended that:

> The primary mission of U.S. forces in Iraq should evolve to one of supporting the Iraqi Army, which would take over primary responsibility for combat operations. By the first quarter of 2008, subject to unexpected developments in the security situation on the ground, all combat brigades not necessary for force protection could be out of Iraq.

Those are the words of the Iraq Study Group.

Legislation is clearly necessary to give the Iraq Government enough of an incentive to step up to the plate, work out its political differences, and take responsibility for Iraq's future. It is also consistent with the wishes of the American people, who want most of our troops home within a year. How much clearer does it have to be before Republicans in Congress and the President finally respond to the voices of the American people?

We are meeting our responsibilities by changing the mission of our military. We are not micromanaging the war. Many of us oppose the war, but all of us support our troops. We don't want to keep sending more and more of them into the middle of a civil war. Under no circumstances do we want them to go to war without proper armor and equipment. Our troops deserve better. Their families and loved ones deserve better.

For the good of our men and women in uniform and the American people, it is time for us to take a stand. We need to adopt a new strategy. We need to make clear to the Iraqi Government that the mission of our troops must change and that we have a clear timeframe for their departure from Iraq.

The recent hearings on Walter Reed should inform our debate as well. They tell us how little faith we can put in this administration. The very people who hide behind the troops when we question their policies have failed to keep faith with our wounded soldiers. As importantly, the hearings on Walter Reed remind all of us of the human costs of the war. This administration has done all it can to conceal them from us. They have forbidden photographs of the coffins flown back from Iraq. The President has avoided attending the funerals of the fallen. The tours of Walter Reed never included Building 18.

But the hearings on Walter Reed swept away all the spin and camouflage. They put our wounded soldiers back where they belong: at the heart of our debates about the war.

At the end of those hearings, everyone agreed that the administration failed these brave soldiers, but we failed them long before they arrived at Walter Reed. The administration failed them when it trumped up the intelligence in order to make the case for war. It failed them when it sent too few troops with too little armor into battle. We in the Senate will fail them today unless we vote to change course and begin to bring our soldiers home. At the end of this debate, the American people will know where each of us stands. On our side of the aisle, we stand with the American people. The voters told us in November to change course and to begin to bring our troops home, and that is what we are going to do.

We stand for our Constitution, in which the Congress speaks for the people in matters of war and peace and can require the President to listen.

We stand with our troops. We, and we alone, are the ones insisting on a policy worthy of their courage and sacrifice.

We stand for protecting America's national security. The war in Iraq has been a disaster from the start. It has made America more hated in the world. It has made it harder to win the war against terrorism. It has made it harder to work with other nations on every issue.

Peace and progress in Iraq must be earned by Iraqis and their neighbors. We must no longer send our brave soldiers to an uncertain fate on the streets of Baghdad. We must begin to bring them home to the hero's welcome they have surely earned.

I yield the floor.

Mr. LEVIN. Mr. President, I ask unanimous consent that after the Senator from Utah is finished with his remarks, on this side, the order then be Senator DODD, Senator BROWN, and Senator DORGAN.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, one thing I can say for the distinguished Senator from Massachusetts is that he has been against this war from the beginning. He has taken what he considers to be a principled position, that we should never have gone into Iraq to begin with. However, much of what he said does not resolve the problems that we are confronting in the War on Terrorism. We hear lots of comments about pulling out of Iraq but not very much in the way of how to defeat the terrorists who are dedicated to destroying almost everything we hold dear and sacred.

The fact of the matter is this resolution is an illustration of wishful thinking. No matter what you call it: pulling our troops out, a phased withdrawal, or redeployment, those who support this seem to think everything is going to be hunky-dory and by taking this course we can resolve all our difficulties. Of course, they provide the usual language of diplomacy and some of the other things.

Look at what this resolution says. It says: Whereas, U.S. troops should not be policing a civil war; and the current conflict in Iraq requires principally a political solution.

The fact of the matter is we have three distinct areas in Iraq: The Kurds in the north, the Sunnis in the center, and the Shias everywhere else, including in the center.

There is a long history of animosity between these groups. But look at the progress that has been made: women now have the right to vote; young girls are able to go to school.

Eighty percent of the people voted for the representative form of government that they enjoy today. Remember, it took us 10 years to implement our Constitution.

What I have not heard from those who oppose the war is, how do we solve the problem of terrorism?

Let's be honest. Terrorism is something we have confronted sporadically throughout the years, though not at the same level of intensity as the last couple of years. When the Bader-Meinhof gang paralyzed Europe, a lot of people felt we should back away. But we supported our allies and, today, you don't hear about them. Similar things can be said about the fate of the Red Brigade. However, I fully recognize that these groups were minor compared to the terrorists in the Islamic world.

The fact is we are in a different war than we have ever been in before. We are fighting terrorists who don't wear uniforms, who don't represent a country; they represent an ideology. They are Salafi jihadists who, going back to the seventh century, when the Islamic people controlled much of the Mediterranean world, used force freely to achieve their objectives and, if you disagreed with them, they killed you.

We lost 3,000 people in 1 day in this country. As the author of the 1996–1997 Antiterrorism Effective Death Penalty Act, I recognized that we did not give law enforcement the tools to be able to prevent terrorism in this country. One reason was we naively thought that we would never suffer from the type of terrorism that occurred on 9/11/2001. The PATRIOT Act brought the antiterrorism laws that were deficient up to the level of the anti-Mafia laws.

Can you imagine what will happen if we don't take these people on and do what we can to stop them. What happens if one of them—and they are dedicated to doing this—gets a weapon of mass destruction and comes to New York, Washington, DC, Boston, Los Angeles, Chicago, Miami, or any number of other cities, and blows up the city and causes the deaths of hundreds of thousands of people?

They are dedicated to this. They don't value human life as we do. They believe they are going to be blessed for having killed the infidels.

The fact of the matter is that is what we are faced with—radical extremists who would harm our country if they could. The reason they cannot is because we have been taking it to them in Afghanistan and Iraq. It is not pleasant, there is no question. There are sacrifices being made—our soldiers are being deployed and redeployed. There is no question there are mistakes that have been made—everything from throwing the Baathists out of the military, many of whom were not Saddam Hussein loyalists, to thinking this operation would initially be treated by the Iraqi as a liberation.

There were lots of mistakes, but there are a lot of things that are good too.

The fact of the matter is, there are hospitals up and running, girls are going to school, women have some rights in Iraq—more than ever before—and upward of 80 percent of the people voted for a representative form of government. We should never lose track of that. None of this would have happened had it not been for our soldiers and others in the coalition who were willing to fight, the fact is that When we get into documents such as this, basically what we are doing is making it very difficult for our young men and women serving in combat. Many of whom are risking their lives for us that they might be able to prevent terrorism from taking over the world and especially the USA.

We know there are terrorist supporters in our country. If we didn't have a PATRIOT Act, we would not be able to monitor them.

This resolution says:

The President shall promptly transition the mission of the United States forces in Iraq to the limited purposes set forth in subsection (b).

(B) Commencement of Phased Redeployment From Iraq—The President shall commence the phased redeployment of United States forces from Iraq not later than 120 days after the date of the enactment of this joint resolution, with the goal of redeploying, by March 31, 2008, all United States combat forces from Iraq except for a limited number that are essential for the following purposes:

I like that word ''essential.''

(1) Protecting United States and coalition personnel and infrastructure.

My gosh, can you imagine if we pull out? The terrorists will come in and try to capture that oil wealth to use against the rest of the world, especially us.

(2) Training and equipping Iraqi forces.

How are we going to do that if we redeploy our forces out? We know that by training and equipping them, we may be able to help them bolster their representative form of government. Keep in mind, I made the point earlier, it took us 10 years to develop our Constitution and their's is functioning after 2 years. It took us years to solidify the strength of our country so we have this great representative form of government that we have in America today.

If we leave who is going to train and equip those Iraqi forces? Are we going to leave a small contingent of our people there to be murdered or are we going to be able to protect them and train and equip the Iraqi forces? Will anyone have any confidence in us if we leave?

It is interesting to me that as we have started this so-called surge, al-Sadr and others have left their bases. True, they are probably going away and hoping to come back; but if we can establish—and General Petraeus says we can—ourselves and the Iraqi Government in Baghdad so that they know they can take care of it themselves, it is going to be much more difficult for al-Sadr and the other brigades to come back and cause the havoc they have been causing.

Who is going to train and equip these forces? Oddly enough, it is interesting to me that this body voted 100 to 0 to back General Petraeus, and ever since we have done that, some here have done nothing but undermine the very thing he said we have to do. It should also be noted that this new strategy appears to be working.

We ought to give General Petraeus the opportunity to do it. He has said he will shoot straight with us. If he finds that the strategy is not working, he said he will let us know. He has been a straight shooter from the beginning. He was been a breath of fresh air. He understands counterinsurgency warfare. He has written the Army's Manual on this subject. We ought to give him a chance to do what he says he can do.

(3) Conducting targeted counterterrorism operations.

How does this small, ''limited number,'' to use the terms of this particular S.J. Res. 9, target counterterrorism operations? I guess we will have to do it through intelligence gathering. I happen to be on the Intelligence Committee, and I know all too well it is very difficult to establish human intelligence networks.

Think about that. Bring them all out, redeploy them by March 31, 2008—all U.S. combat forces from Iraq, except for a limited number that are, again, essential for the following purposes:

(1) Protecting United States and coalition personnel and infrastructure.

How does that small contingency do that?

(2) Training and equipping Iraqi forces.

(3) Conducting targeted counterterrorism operations.

My gosh, every one of them would be murdered on the spot if we didn't have enough people there to provide security.

This is ridiculous.

(C) Comprehensive Strategy.

This is to make it look good, like they are trying to do something good. Here is what it says:

Subsection (b) shall be implemented as part of a comprehensive diplomatic, political, and economic strategy . . .

In other words, pulling out all our people except for this ''limited number,'' to use their language—

Subsection (b) shall be implemented as part of a comprehensive diplomatic, political, and economic strategy.

Diplomatic? I know one thing. If you want to make sure diplomacy works, make sure it is backed up by force. We are not backing it up by pulling all of our troops out, except for that ''limited number.''

OK. How is that diplomacy going to work if they don't realize we are there to accomplish our mission? OK. Again, it says:

Subsection (b) shall be implemented as part of a comprehensive diplomatic, political . . .

What do you think we are trying to do? Maliki, is pulling out the stops to help us.

. . . as part of a comprehensive diplomatic, political, and economic strategy . . .

What happens if we pull our troops out of there and, all of a sudden, we have a renewed effort by terrorists to assault us on our mainland because we are not keeping them at bay over there? Can you imagine the cost to our society? Can you imagine if we pull out of there and there is widespread civil war and genocide that will occur, just like in Southeast Asia when we pulled out there? Millions of people died. I am not so sure we should have been in Southeast Asia, but I feel confident we should be here. It says:

. . . that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq.

Those are nice, high-flying words. If our diplomacy is not backed up by our willingness to take these people on, I suspect we are going to have more than a 9/11, 3,000-person loss in this country. When we have many more people killed as a result of terrorism in our country because they will be emboldened by this type of resolution, then it seems to me that we are going to pay a price that will be much higher than what we are paying now. We have to take these people on. We cannot walk away. There are too many people who have relied on us.

Admittedly, we at least need to give General Petraeus and the current forces there a chance to make this work. He says he believes he can do it. But he also is a straight shooter and has said: If we cannot do it, I will tell you we cannot. That may be the time when we will have to say there is not much more we can do there. I know one thing. The moderate Arabs are very concerned about what is going on over there. They know that if the United States doesn't have its full influence in the Middle East, there is going to be chaos. They know that these Wahhabi, Salafi jihadists will make mincemeat of the Middle East, and they will be emboldened if we walk out of there and act like we can work diplomatically on some of these problems. I think diplomacy is very important. But it needs

to be backed up by a strong military plan, so they know we are not going to put up with a lot of foolery.

Look, I think there are sincere people on both sides of this debate. But I challenge the other side, who believes in this type of a resolution, to show us how you prevent the terrorists from coming here. Show us how you are going to win this war against terrorism. Show us how you are going to make a difference in the lives of all those who have lost loved ones thus far, not only on 9/11 but those who have given their lives for us over in Iraq.

Show us how pulling the troops out is going to defeat the terrorists. Tell us what happens after this resolution becomes law. Their plan offers only one option: making the United States look like it lost to the terrorists in the Middle East. That would be one of the worst things that could happen to our Nation and one of the worst messages we could send to the world.

I don't find fault with anybody who sincerely believes in a resolution such as this, but I question whether they have thought it through. Have they looked at the intelligence? Have they listened to our Armed Forces, who know they are fighting for something worthwhile, who know they are fighting for freedom, and who know they are fighting for the Iraqi people. Our military fully realizes they are not only fighting, as they had to, to overturn a vicious, cruel dictator, but to create stability in a place that needs stability almost more than anything else. Our servicemembers also know that we have moderate Arab friends who are pulling for us. Allies, in the region, who hope we will succeed because they know they will be next. And if we fail, we will pay a price like nothing we have paid before.

As I said, everyone in this body is a friend of mine. However, I strongly disagree with those who think this is a good resolution. I do not question their integrity or their desire to try and find some solution. But this certainly is no solution. This is a walk away that will cause us greater problems in the future. If that happens, we are all going to reap the whirlwind.

I have no doubt, as a member of the Intelligence Committee, that there are terrorists who would love to destroy our country. There are some, who if set free, would do everything in their power to destroy our nation.

Frankly, we cannot walk away until we give General Petraeus and our servicemembers an opportunity to win this war.

We have never fought a war such as this. I do not blame anybody who is concerned that we are paying too high a price. But I ask people to think about the higher price we will pay if we don't win this war. I ask my fellow citizens to understand that we are fighting people who are dedicated to destroying those who disagree with them and there will be a heavy price to be paid if we walk away from our responsibilities.

There is a good reason why we have not had a major terrorist incident since 9/11/2001. We have shown the will to take these people on, and to disrupt their plans. We have captured or killed a large number of these terrorists, including members of al-Qaida leadership. We have bottled up Osama bin Laden and Zawahiri.

If we walk away because of this resolution, it seems to me we will pay a much heavier price later, and I am very concerned about that.

My family lost my only living brother in World War II. He flew on one of the air raids that helped destroy Hitler's oilfields. It was a price our family paid. I am very proud of my brother Jesse. He was fighting for freedom, and he did not walk away from the threat Hitler posed. Today, we once again live in dangerous times, possibly even more dangerous. We cannot leave Iraq until we give General Petraeus and our troops the opportunity to accomplish their mission. We should not undermine their efforts with this resolution.

Though I respect my colleagues differing opinions I believe this resolution undermines their efforts—the efforts of those young men and women who are sacrificing for us overseas.

We should not decide these matters based on polls. Unfortunately, I think we have far too many people who are paying attention to the polls. I look at some of the candidates for President today, how they have changed their positions gradually because they think the polls require it. We are not here to respond to polls. We are here to do what we believe is in the best interest of our country. Some sincerely disagree with me and I understand that. But I believe it is their solemn duty to explain what we are going to do if we pull out of Iraq. Will we not create a myriad of other problems? Will not the entire Middle East become a war zone? Under such conditions, Israel itself will be threatened as well as moderate Arab countries. We cannot walk away, and we cannot allow the whole Middle East to descend into the Salafis jihadist arms.

I hope our colleagues will think these matters through. I certainly hope they will vote against this joint resolution.

Many of my colleagues voted to bring forth this debate. I understand their reasoning. However, I could not vote for this debate because the resolution is faulty on its face.

I don't know anybody who worries more about our young men and women who are sacrificing over there than I do because our family has lived through it. Not only did we lose a brother in the Second World War, but we lost a brother-in-law in Vietnam. Just a few years ago, my family buried another brother-in-law who served with the Marines in Vietnam and rose to the rank of First Sergeant. I feel deeply about these matters, but if we don't stand up and do what is right, we will reap the whirlwind. It will cost us more than it is costing us right now, and today's cost is significant.

Mr. President, I wanted to say these few words. I hope we will defeat this resolution. I think it will be in the best interest of the country and in the best interest of the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, after Senator DODD is recognized, we had previously indicated that Senator BROWN and then Senator DORGAN would be recognized. We are trying to see whether it might be possible to substitute Senator KERRY for Senator BROWN, leaving Senator DORGAN in the same position. We are trying to determine that right now. For the time being, it will be Senator DODD, then Senator BROWN or Senator KERRY, and then Senator DORGAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut.

Mr. DODD. Mr. President, first, I thank my colleague from Michigan. I commend him, along with Senator BIDEN, my chairman of the Senate Foreign Relations Committee, and our majority leader, Senator REID, and others for the tremendous effort they have put into these matters over the last number of weeks. I haven't always agreed with my leaders in the majority on the course of action, but I have respect for their efforts to try and build consensus. I admire that. I always doubted whether consensus is something we ought to try and get on an issue such as this. Clarity, accountability, real proposals that require up-or-down votes that result in action I think in the long term may be necessary here. I respect immensely the efforts they have made to bring as many people as is possible under the same umbrella in dealing with this issue.

Once again, we find ourselves debating the same basic issue with respect to United States policy in Iraq, namely, when is the President going to admit his policy is a failure? From how many different places do you have to hear that—from the Baker-Hamilton report, to the analysis by military leaders. Over and over, the conclusion has been the same. This is not a conclusion I have arrived at myself, it is one that has been arrived at by almost every group of people or individuals who know anything about this matter. This policy must be fundamentally changed. The course must be changed to empower the Iraqis to take responsibility for their collective future. If they do that, there is a chance that stability and a better future for them can emerge. If they don't, there is not a treasury deep enough or an army big enough to do that for them.

How many debates, how many reports, how many more of our young men and women are going to be killed or wounded until the President and his advisers acknowledge the President's policy has been a failure, unfortunately, from almost the outset?

How long will it be before the administration begins a true diplomatic offensive to help the Iraqis and their neighbors secure a political solution that everyone has concluded is the only possible way this matter can have an outcome that offers some hope to the people of that country?

How many times can the administration and some of our colleagues here claim that any debate, any dissent, any action that departs one iota from the President's policy is somehow unpatriotic, words we have heard too often in this Chamber and elsewhere to describe those who have a different point of view—I emphasize ''a point of view''—that has been embraced by people without any adherence to a political party or ideology who have reached the same conclusion that this policy is not working at all.

Jingoism and facile claims about ''support the troops,'' about ''good versus evil,'' about ''victory versus defeat'' can no longer, I think, be tolerated—in fact, they should never have been tolerated in the first place.

Let's stop invoking the inverted logic, as our colleague from Virginia, Senator WEBB, so aptly described it, of claiming that because there are troops are in harm's way, we, therefore, have to stay the course.

We all know we have troops in the field. We all honor the sacrifices they have made. They are a remarkable group of people. Like many of my colleagues, I have been there on several occasions over the past couple of years. Regardless of one's view on policy, the admiration for the job these individuals are doing ought to be very high. In my case, it is. It is rather remarkable the service they are providing. It is the policy that needs changing.

No one is suggesting our troops don't deserve all the support they can get, but supporting our troops and opposing a policy ought not to require the kind of gymnastics that some of our colleagues who oppose any changes suggest.

Having troops deployed overseas should not prevent us from debating critically important issues relating to the wisdom of staying the failed course the President has charted. In fact, we do a grave disservice to our troops by not having a public debate to shed light on the many questions and concerns that arise from our current involvement in Iraq.

I have publicly stated many times over recent months that this body should urgently take strong, binding action to force the President to change his Iraq policy. While this resolution before us does not represent as forceful an approach to accomplishing that goal as I would propose, it does take the United States one step closer to ending U.S. combat involvement in Iraq, and for that reason I am going to support it as a first step in what I think is the right direction.

This resolution goes beyond simply expressing disagreement with the President, which is the problem I had with earlier resolutions. It puts this Congress on record as authorizing a ''prompt commencement of phased redeployment of United States forces from Iraq.'' It spells out the transition of the mission for the limited forces that would remain after the phased redeployment of combat forces have been completed.

This resolution unequivocally states that the United States should begin a phased redeployment of U.S. combat forces from Iraq. It states that the American forces remaining in Iraq should have a very different and more restricted mission: training, equipping Iraqi security forces, force protection, and targeted counterterrorism operations.

Crucially, this resolution also states that the redeployment of U.S. forces shall be part of a comprehensive, diplomatic, political, and economic strategy, and it requires the President to develop such a strategy, a strategy that has been seemingly nonexistent and that is critical to the stabilization of Iraq.

I am concerned, however, that the resolution allows for as many as 120 days from the date of enactment to pass before the President must commence the redeployment of U.S. combat forces. I firmly believe this redeployment can and must begin far sooner, and that we should set a hard target date for the completion of this phased redeployment rather than a soft goal of the end of March 2008, as stated in the resolution.

We face a region-wide crisis of credibility, a crisis that was caused by very bad policy choices rather than fate, as some would suggest. While the United States may still remain an enormous military power, and we are, our power to influence has been greatly diminished, unfortunately. It is this power to influence that is critical, I think, to America's interest in the region and to the future of Iraq and its neighbors.

It is my strong hope that the passage of this resolution will bring the United States one step closer to ending our intervention in Iraq's civil war and one step closer to developing and employing critical, comprehensive, diplomatic, political, and economic strategies in Iraq and in the wider region.

Based on past experience, however, I have no confidence whatsoever that this President will pay any attention to this resolution or this congressional debate. That has been the history of the administration over the past many months. So I say to my colleagues, if you are truly sincere in your support, as I believe you are, for the policies expressed in this legislation, then I think we must be prepared to do far more in the coming days, I hope in the short days, to bring an end to this destructive and futile policy, including the exercise of the congressional powers of the purse. We need to stop financing the administration's reckless strategy and put critical resources into rebuilding our military. Our troops deserve no less from this Congress.

Mr. President, I yield the floor.

Mr. MARTINEZ. Mr. President, we have been discussing this topic now for some time, and it seems that there are a succession of ways in which to fail.

The Democratic leadership in the Senate is looking to persuade the American people that our national security would improve if we immediately withdrew U.S. forces from Iraq and provided our enemies with a timetable and roadmap for our withdrawal. This is exactly what S. Res. 9 would do. It would require the beginning of the withdrawal of U.S. troops from Iraq within 120 days.

The distinguished Senator from Connecticut said he didn't even think that was acceptable; that it should be even less than 120 days. So the underlying goal is to remove all U.S. combat forces by March 31, 2008. There will be exceptions for those who will stay to protect personnel and to do the training of Iraqi forces, but the overall premise is to diminish the U.S. presence in Iraq. To that end, I ask: What is the goal, just withdrawal or success? If all we are about is withdrawing, there are many ways to do that. This timetable might be appropriate, if that were the only goal. But if the goal is success, if the goal is the opportunity for Iraq to succeed in its effort at democracy, a different plan must be followed.

Setting artificial, arbitrary timelines for withdrawal has been opposed by Republicans, Democrats, our military leaders, and the Iraq Study Group. In the words of the Democratic leader on January 31, 2005:

> As far as setting a timeline, as we learned in the Balkans, that is not a wise decision, because it only empowers those who don't want us there, and it doesn't work well to do that.

In the words of the current chairman of the Foreign Relations Committee, in June of 2005:

> A deadline for pulling out will only encourage our enemies to wait us out.

Let me repeat that: It will only encourage our enemies to wait us out if we give a deadline.

Democrats are trying to bring before us the 17th version of how we would manage the war in Iraq. Seventeen plans in less than 2 months and none lead to victory. Can you imagine if the commanders on the ground actually had to take orders from the Senate? Thankfully, in our scheme of Government and the way our Government was set up, we only have one Commander in Chief, one person giving the orders to our armed services so that they might succeed at our endeavors.

This attempt to micromanage the war at every level by Senate resolutions is not what our Government should do at a time of war. The President put together a new plan and a new team. General Petraeus is on the ground as the Iraq allied commander, and Admiral Fallon with the Central

Command. Both of these distinguished military leaders testified they supported the current plan, and this Senate confirmed General Petraeus by a vote of 81 to 0.

So now what is our message? We send you to war but we don't want you to execute your plan?

We are so fond of this whole atmosphere of anti-Bush and the President that we forget that this is a plan that General Petraeus, our military leader on the ground in Iraq, has said he believed was a plan that had a reasonable chance for success. So I say give General Petraeus and his plan a chance for success on the field.

Our forces have not suffered a single military defeat in this entire episode. Obviously, we have had some losses, and a high cost in lives and injuries and treasure, but we have not had a single military defeat. The sacrifice of our troops, their sacrifice, must be for a purpose: a state of Iraq that is not a failed state.

In hearing after hearing in the Armed Services Committee, I have listened to our military leaders, as well as intelligence experts, give us the same message, and their message is clear: A precipitous withdrawal from Iraq would almost surely result in a failed state, and a failed Iraqi state would be a disaster for the Middle East and our own national security.

I would suggest a rapid exit from Iraq is not in America's best national interest. I urge my Democratic colleagues to articulate how exiting Iraq, allowing chaos to reign, allowing thugs to rule the streets, and fear to rule the hearts of the Iraqi people will make America safer.

For years, my Democratic colleagues have been calling for a change of course. Well, President Bush provided one, a way forward politically, economically, and militarily. The new team, a new commander, and our commanders in the field, have said we need more troops, and the President provided them.

By the way, early indications are that things are a little encouraging. American and Iraqi forces, side by side, are walking in the streets of Sadr City as we speak. It is too soon to tell, but so far, I, for one, am encouraged. This may just work. Why not give it a chance?

The Democrats have provided 17 plans. None will give Iraq a chance to succeed. I have a plan. Let's support our troops by providing them the funding they need and allowing those responsible for executing the war to do their job. Let the generals on the field run the war.

My colleagues on the other side of the aisle try every day to equate this global war on terror to Vietnam. I do not believe there are many similarities, but I believe there is one. That war, Vietnam, was lost in Washington, and this one can be, too. Let's not do that.

The distinguished junior Senator from New York said it best on September of 2005:

> I don't believe it is smart to set a date for withdrawal. I don't think you should ever telegraph your intentions to the enemy so they can await you.

That statement was true then, and I believe it to be true today.

During this debate, I want to hear how nonbinding resolutions, dragged out over several weeks, Saturdays included, resolutions with the sole purpose to undermine our Commander in Chief, will do anything but confuse our troops, embolden our enemy, and complicate our efforts to combat terrorism and support this young democracy in the heart of the Middle East.

I oppose S. Res. 9. It is wrong for Iraq, it is wrong for the Iraqi people, it is wrong for the stability of the Middle East, and it is wrong for the national security of the United States.

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. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Madam President, 4 years ago the President of the United States told the Nation that Iraq had weapons of mass destruction. The President told us that Saddam Hussein was aiding and abetting al-Qaida. Now he is telling us that sending more troops into Iraq will lead to some kind of victory in a country torn by civil war and rife with insurgents. The President did not make a credible case in 2002. He has failed to do so again.

Before the President sent our troops into battle in 2003, I asked him a series of questions in a letter to the President and in a House resolution, questions about strategy, about reconstruction, and about troop safety. He did not answer those questions then. He still has not answered them. We do not know his definition of victory. We do not know his plan for an exit strategy. We still do not have an answer as to when our troops will have all the body armor they need. We are supposed to take it on trust that sending more of our troops into this chaos will somehow produce stability. Trust needs to be earned.

In November, voters in my State of Ohio and voters in Missouri and across the country spoke loudly and clearly that they do not support more of the same when the same simply has not worked. Clearly, the President has not listened to them. It is up to Congress to work together and up to Congress to work on a new direction for Iraq. We are well served to remember that we stand in this room today at the will of the American people. We have a duty to stand up to the President now as we failed to do in sufficient numbers 4 years ago.

The same people who chose to start this war, who recklessly started this war without the necessary resources, without the necessary planning, without the necessary body armor—those people who ignored the sage advice of military experts are the same people, with their same tired advice, who want to escalate this war today. If we choose to ignore history, we will be repeating a grave mistake.

This resolution does four important things.

First, this resolution reaffirms our continuous support of our men and women in uniform. Any official in our Government who says anything other than that is playing to the crowd, is disingenuous at best. Our troops have done everything we have asked of them in Iraq. They have acted heroically. They have done their job. Some have said that if we do not support the President's plans, we are unpatriotic. They say we don't support the troops. Every Member of this body supports the brave men and women fighting in Iraq. Every Member of the Senate who stands up and speaks out in this war is demonstrating patriotism. Patriotism isn't a yes-man; it is love for our country. Fighting against more of the same in Iraq when more of the same is not working is what patriotism looks like.

Second, this resolution answers the demand of the American people to redeploy our troops out of Iraq. The President's original plan for Iraq has not worked, and his most current plan for escalation is neither new nor different. We must have a timetable for redeployment of U.S. forces or, at the very least, a plan for it—something the administration has simply failed to do.

Third, this resolution calls for a comprehensive strategy using diplomacy—something else the administration has failed to do.

Fourth, and perhaps most important, this resolution calls for oversight. The abdication of oversight and accountability in past Congresses is nothing short of shameful. The administration says the current plan for escalation will require 20,000 troops and will cost $5.6 billion. The Congressional Budget Office tells a different story. In the past, the President could put those numbers out there and nobody would call him on that—nobody in this body who had any ability to do oversight. Instead of the 20,000 troops and the $5.6 billion this President claims it costs, the Congressional Budget Office said the requirement will be 48,000 troops and the price tag will be $27 billion. Again, more of the same is not the answer.

We have the duty to heed the call of those who sent us to Congress, and with this resolution we have the opportunity to heed that call. If the President will not listen to the voters, if the President will not listen to his generals, if the President will not listen to the Iraq Study Group, if the President

will not listen to his own National Intelligence estimate, then we must make him listen to us as the people's representatives.

Let us work today toward sending a clear message to the President and to the world that the era of congressional willful ignorance is over. We will hold the President accountable, and we will start today.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, this has been an interesting debate. I have had the opportunity to watch some of it and listen to more of it. I think we are finally debating a very important subject.

From time to time, there is a tendency to treat the serious too lightly and the light too seriously here on the floor of the Senate. This is a serious matter being treated seriously. Our country is at war. Today, we have young men and women in America's military uniforms walking down alleyways and streets in Baghdad and other dangerous places in Iraq, risking their lives. Some, perhaps today, will give their lives. War is a serious subject, the most serious subject for our country.

I wish to talk a little about the history of how we have gotten to this place and what I think we should do.

I recall Memorial Day, shortly after 9/11. I believe it was the first Memorial Day after 9/11—perhaps the second—when a young man whom I had previously appointed to West Point came back. He was missing an arm, from combat.

We had, of course, gone to Afghanistan, waging a war against the Taliban that had housed and harbored al-Qaida, Osama bin Laden, and then shortly thereafter we went to the country of Iraq.

This young man, who came from a small town in North Dakota and whom I was privileged to send to the West Point Academy, came back missing an arm but enormously proud of having served his country. I recall speaking at the outdoor event at the veterans cemetery. He was there. He spoke. I was enormously proud of him. He was proud of serving his country.

I guess I described a verse I heard some long while ago—I don't even know the author—that:

> When the drums are heard and the lightning is seen and the knives are out,
> The patriots are always there, ready to fight and die for their country if necessary.

We can name many patriots in this country who serve today and who have served this country—in world wars, conflicts—who serve today because our country asks them to serve. It is always the case that old men send young men and women to war. Wars might be different if the ages were reversed, but they are not.

The question for me today is, What are our goals? My guess is every person serving in this Chamber, every man and woman, every Republican and Democrat, every conservative and liberal, wants the same thing for this country. We want our country to succeed. We are on our side, we are on the side of right, we are on the side supporting the greatest country that exists on this Earth.

We made some serious mistakes. We went to Afghanistan. That was the right thing to do. It was, after all, Afghanistan that housed Osama bin Laden, who boasted about committing the terrorist acts of 9/11, murdering thousands of innocent Americans. They boasted about that. They said, ''We did it.'' Al-Qaida, Osama bin Laden, al-Zarqawi—''We did it,'' they said. They were in Afghanistan, so we went to Afghanistan and toppled the Taliban government of Afghanistan, and the leadership of al-Qaida escaped. The leadership of al-Qaida went, apparently, to the hills in northern Pakistan.

Then, with President Bush's direction, went to Iraq.

A great deal of top-secret information was disclosed to those of us in Congress and some to the American people. The Secretary of State made a lengthy presentation with charts and slides to the United Nations, a presentation to the world. It turns out much of the intelligence upon which that was based was fundamentally wrong, some of it embarrassingly inaccurate.

One single source, someone who we now know the Germans thought to have been a drunk and a fabricator, was used by the administration to suggest that Iraq threatened our country because it had mobile chemical weapons labs. This source, called ''Curveball,'' whom we now know to have been a single source and a source who lied, was the basis for substantial allegations to the Congress and the American people about evidence of a weapon of mass destruction program in Iraq. The source for yellow cake from Niger turns out to have been forged papers. Equipment to recreate a nuclear weapons program in the form of aluminum tubes—the Secretary of State and others gave us information about that, information that is now public but was imparted to us in top-secret sessions without disclosing something she was responsible to disclose: There were other parts of the Government that said no, these are not aluminum tubes to reconstitute a nuclear program, they are not that at all. They are thought to be for use in rocketry, and that is exactly what we found out later to be the case. Very substantial mistakes were made but, nonetheless, we cannot turn back the clock. American soldiers were committed.

As a result of that, a number of things have happened in the country of Iraq. While the terrorists fled to Pakistan and Osama bin Laden and al-Zarqawi and the other leadership of the al-Qaida organization hid in northern Pakistan, now some over 2,000 days since they boasted about murdering thousands of Americans—while that was the case, we went to Iraq.

Saddam Hussein was deposed. This man was a butcher. We have unearthed mass graves in Iraq that housed hundreds of thousands of skeletons of people murdered by the Saddam Hussein regime. Is it a worthy thing to have deposed a leader of Iraq with that kind of record? Yes. Saddam Hussein is gone. He was executed. The Iraqi people have now voted for their own Constitution. They wrote it and supported it. The Iraqi people have now elected their own government by their own hand. So there is no dictator, they have a Constitution, and they have a new government.

The problem at the moment is they are not able to provide for their own security. In fact, there is a civil war occurring in the country of Iraq. We have just received the latest National Intelligence Estimate—the latest National Intelligence Estimate, which is a compilation of whatever is said by the best minds that exist in the intelligence community.

This is unclassified:

> Iraq has become a self-sustaining intersectarian struggle.

If you take those words as part of what the National Intelligence Estimate says, this is a civil war. Now we end up with American soldiers right smack dab in the middle of a civil war in Iraq while Osama bin Laden and the al-Qaida leadership exists in northern Pakistan directing al-Qaida's terrorist activities.

Now why does this matter? Let me describe why that is important. On January 11, 2007, Mr. Negroponte who was then the Director of National Intelligence testified before Congress. He said:

> Al Qaeda is the terrorist organization that possesses the greatest threat to U.S. interests, including to our Homeland.

Let me say that again. What is the greatest threat to our country's interests? Al-Qaida. That is not me; that is the head of American intelligence, Mr. Negroponte. This was reaffirmed 3 weeks ago by the current head of U.S. intelligence. The greatest threat to our country, the greatest terrorist threat to our country, is al-Qaida. They pose the greatest threat to our interests and to our homeland.

Now an additional statement by Mr. Negroponte says this:

> [Al Qaeda] 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' secure hideout in Pakistan to affiliates throughout the Middle East, northern Africa and Europe.

All of this is a direct quote from the unclassified testimony of the head of intelligence in our country. Al-Qaida is the greatest terrorist threat to our country, No. 1; No. 2, they continue to plot attacks against our homeland from their leaders' secure hideout in Pakistan.

Now let me ask the question: What is the goal here? What is the goal for this country? We were attacked on 9/11. Thousands of Americans were murdered by airplanes full of fuel, used as

guided missiles to fly into office buildings, to the Pentagon. We were attacked on 9/11 by al-Qaida. They boasted about it. They said: We did it. Give us credit. We murdered innocent Americans.

Where are they now, over 2,000 days later? They are, according to our top intelligence experts, in a secure hideout in Pakistan with the objective of inflicting mass casualties by continuing to plot attacks against our homeland.

So what are we doing today? We are in Iraq going house to house, in Baghdad, in the middle of a civil war.

What is the goal? Is our goal to fight terrorism? To take on the terrorists? To eliminate the terrorists? To eliminate the leadership of al-Qaida? Is it our goal to go after those who attacked our country and murdered thousands of innocent Americans?

If that is our goal, let me ask this question: Why are they in a secure hideaway in northern Pakistan and our soldiers are going house to house in a civil war in Iraq, in Baghdad? Why? Maybe it is not our goal to fight the terrorists. Is it not our goal to take them on where they are? Yes, there are some al-Qaida in Anbar Province in Iraq. This resolution, by the way, will allow us to redeploy in Iraq to make an even greater effort against that al-Qaida organization that exists in Anbar Province. But our National Intelligence Estimate is quite clear: What is happening in Iraq, in the main, outside of Anbar Province has very little to do with al-Qaida and with terrorism. It has everything to do with a civil war and sectarian violence.

So the question is: What should be our goal? I very strongly believe we should redeploy our troops and understand that our obligation is to take on those interests that want to attack us in our homeland, those interests that attacked us previously, those interests that represent the greatest threat to our country as described by the head of U.S. intelligence.

Why on Earth on this day, Wednesday—2,010 days, nearly, following 9/11, after Osama bin Laden and al-Qaida boasted about launching attacks in our homeland and murdering the American people, murdering thousands of Americans—why on Earth would we not be in a full-court press to prosecute the war against terrorists? No, this situation in Iraq is not a proxy against the war on terrorism. It is not. It cannot be described that way.

The National Intelligence Estimate tells us it is sectarian violence, by and large. The head of national intelligence tells us where the head of the greatest threat to our country is in northern Pakistan, the leadership of al-Qaida. We are going door to door in Baghdad in the middle of a civil war, and they are in northern Pakistan promoting continued attacks against our homeland.

Is that a disconnect? It seems to me it is. Anybody in this Chamber who stands up and has a strong passion and opinion about these issues, I respect. The last thing I would ever do is suggest they are not patriotic, they don't love their country, they do not support soldiers. All nonsense. Every man and woman who aspires to come and serve, who is here in this Chamber, I know loves this country, supports our soldiers, and wants our country to succeed. That is a fact. This is not about anybody having bad motives. It is about our country trying to make a decision: Are we on the right path or the wrong path? Do we think the experience we have had in Iraq—now that this has become a civil war, in which we have made very little progress but seen many Americans killed and far more wounded—do we think that kind of situation can and should continue, or should we say to the Iraqi people the following: We want what is best for you as well. We have, with the blood and treasury of American soldiers and the American people, given you the following opportunities: You were able to get rid of Saddam Hussein. He does not exist anymore. He has been executed. You were able to write yourself a new constitution and you were able to cast your votes for a new government.

The question now is this: This is your country, not ours. Do you have the will and the capability to provide for your own security? Iraq belongs to you, not us. If you cannot provide for your own security, the American taxpayer and the American soldiers cannot do that for a long period of time and should not be asked to do that year after year after year.

We ought to redeploy, and that redeployment ought to be so our country can wage war against terrorists. We know where they are. Our National Intelligence Estimate and the head of the national intelligence organizations have told us. They are the greatest threat. We know where they are. Yet my guess is they do not feel terribly threatened today.

What is the goal? What is our goal here? I would hope our goal as a country is to decide to go after and eliminate those terrorists who plot attacks against our country.

Now there are many ways for us to manifest our love of country and our passion about these issues. But I think there is one other issue most of us would agree upon. One of the concerns I have had about what is happening these days with respect to the Iraq war is we have sent soldiers to war, but we have not asked our country to make a similar commitment. Just this morning I asked the Chief of Staff of the Army at a hearing, an Appropriations hearing, about a new personnel carrier we have developed. They say it will reduce deaths from improvised explosive devices by two-thirds in a country such as Iraq—new design, stronger, more capable. I asked: Were we ordering a lot of them? No, not really. At today's pace it will take about 6 years to replace the existing vehicles.

I chaired a democratic policy committee hearing last year, and retired Marine Colonel Hammes came to the hearing. He said: You know, in the Second World War, at the end we were producing 50,000 warplanes a year.

Do you know why? Because our country, by God, decided the whole country was going to make an effort to go to war, to commit and to produce and do everything there was to give our soldiers the opportunity to fight and win. We have not done that.

The Army has ordered 2,500 of those new armored personnel carriers some estimate will save two-thirds of the lives that are now being lost to IEDs. Our country is told we are at war, you go ahead and go to the mall, go shopping. The soldiers will go to war. In fact, we won't ask you to pay for anything either. We have now spent $450 billion, plus or minus. We are on the way to spending over $650 billion in Afghanistan and Iraq and the war on terrorism without asking the taxpayer to pay one cent; add it to the debt. The country has not been asked to go with the soldiers. There is no sacrifice. It is just the soldiers.

We have a resolution on the floor of the Senate. The resolution is S.J. Res. 9. I heard some of the debate a bit earlier. Some have suggested this resolution is about cutting and running. People will think we have left. I think most of the people in this world would take a look at us and say this is the strongest country in the world. It has got the biggest military in the world. We spend more money than any other country, any other series of countries, on defense. We spend more money than the top 30 countries combined on defense. Unbelievable.

We were attacked by the leadership of al-Qaida and their operatives on 9/11/2001. It is now 2007. They are still alive. Our national intelligence chief tells us where they are. They are still the greatest threat to this country. They are still plotting attacks against our country. And we are this behemoth military Nation that has such capability. Why are we not using that capability for the goal I think is preeminent, and that is the goal of protecting our country and eliminating those who are plotting attacks against our country, the leadership of al-Qaida? The way to do that will not be to wait for President Bush to decide he wants to change course. He does not want to change course. He wants to keep doing what we have been doing. But the way to change course is to pass the piece of legislation that says: Let us redeploy our troops.

Speaking only for me, I believe the redeployment ought to be to go after the greatest threat that exists to this country's future, the greatest threat described by our National Intelligence Estimate and the national intelligence chief. It is not a surprise, not a secret. We all understand where that threat is. And yet we reduced our forces in Afghanistan early so we could invade

Iraq. Now we have got problems in Afghanistan. We have got bogged down in Iraq. We are now in the middle of a civil war in Iraq.

The greatest threat to our country's interests is in a secure hideaway in Pakistan; a secure hideaway. That ought never happen. The head of intelligence in this country ought never be telling us there is a secure hideaway for the organization that wants to destroy our country, to launch attacks against innocent Americans. There ought not be a place that is secure on this planet for people who are doing that.

What is the goal? Is not the goal to fight terrorism, to take on the terrorists? If that is the case, then let's heed the words of the head of intelligence, to know where they are, what they are doing, who they are, and find a way to bring them to justice. The sooner the better. After nearly 5½ years, it is past time, long past time for us to set our sights on those who represent the greatest threat to our country. That is the reason I will support this resolution. This is about redeployment. This is about establishing the goals we ought to have as a country.

Finally, let me say this: I have enormous respect for the men and women serving in the military. They are an unbelievable bunch of young men and women. I recall speaking to a helicopter crew in Afghanistan. They were young men and women, average age 19, 20, 21, 22 years of age who were keeping those helicopters in the air.

The officer said these are kids, but they are highly trained kids, highly motivated kids, these young people. You go in the field and watch what they do, and it is unbelievable. They love their country. When their country asks them to serve, they serve. But their country, it seems to me, owes them something too. Their country owes them the responsibility of clear, thoughtful policies, the ability to address what is important to our country.

When we use military force, we ought to use military force not in the middle of a civil war some place, but instead use military force to confront the terrorists who threaten America. That is what military force ought to be used for at this point. We understand terrorism is awful. Most of us have never before understood there are plenty of people out there who are willing to die themselves if they can kill a few innocent people in order to make their point. That is something we have never before understood very well. That is modern terrorism. We have to confront that. We owe it to our soldiers to have a set of goals that represent the best interests of this country.

So my hope, in short, is for us to be able to tell the Iraqis: This is your country, not ours. You need to provide for your own security. We are going to give you a sufficient time to do that, but we cannot keep American soldiers in the middle of a civil war for a great length of time. We intend to turn our attention to where it should have been all along; and that is, to confront the greatest threat that exists to our country, which is al-Qaida, its network around the world, and its plans to try to create terrorist acts in our homeland.

That ought to be our goal. The way to achieve that goal is through the redeployment that would come with this legislation.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. 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 as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I understand Senator FEINSTEIN is on her way. As soon as she arrives, I will yield the floor.

FUEL EFFICIENCY ENERGY ACT

Mr. DORGAN. Mr. President, I wish to comment very briefly on legislation that Senator LARRY CRAIG of Idaho and I are introducing today. It is a bipartisan piece of energy legislation. I wish to describe it briefly.

We are in the process, this year, of trying to put together another Energy bill. I am on the authorizing committee. So with the leadership of Senator BINGAMAN and Senator DOMENICI and others of us on the authorizing committee, we will try to write a new Energy bill. That bill has a lot to do with security—oil security, energy security but the security of our country as well.

If we woke up some morning and terrorists had interrupted the supply of oil to our country, we would be in a desperate condition. On this Earth of ours, this planet, we stick straws in the planet and suck out oil—about 84 million barrels of oil a day. Of the 84 million barrels a day that is taken out of this planet, 21 million barrels is used in the United States. One-fourth of all the oil is used in this little patch of ground called the United States.

Nearly 65 percent comes from outside our country, much of it from very troubled parts of the world—Saudi Arabia, Kuwait, Iraq, Venezuela. We are desperately dependent on oil from other countries—again, in many areas, troubled countries in the world.

We have to find a way to move toward energy independence. Senator CRAIG, a Republican, and I, a Democrat, have worked on a bipartisan basis to introduce legislation that has been put together for nearly 2 years now by an organization of retired business executives, retired military officers, to talk about reducing the oil intensity in this country, especially dealing with transportation.

Nearly 70 percent of all the oil we use is used in transportation. We run it right through our vehicles, by and large, and 70 percent of it is used in the transportation sector; and that line is going up, up—way up. We need to find ways to address this issue of our unbelievable dependence on foreign oil and the substantial increase in oil intensity in the transportation sector.

So we are introducing a piece of legislation that does a lot of things. A, it demands that vehicles be more efficient. And we are not leaving out any vehicles. This includes big trucks. Get a car these days and compare it to a car you would have purchased 10 years ago—identical models—and what you will find, I bet, is there has not been one bit of progress in fuel efficiency in 10 years.

Oh, the car company will say: That is not true. This is much more efficient. It is heavier, but you get the same gas mileage, even though you are actually pulling more weight. That is all baloney. The fact is, in terms of how much oil we use, we are not making any progress on efficiency. As a result of that, I believe, finally, it is long past the time when we ought to demand increases in the efficiency in our vehicle fleet.

Second, we believe we are going to have to find additional oil. I understand that digging and drilling, which I call ''yesterday forever'' as an energy strategy, is not the only strategy, but we do have to find some additional oil. We believe we should open up additional lands in the Gulf of Mexico, where the substantial quantity exists. We would do it by protecting beaches and protecting the viewshed, but there is substantial energy there we ought to be able to get.

Third: a dramatic increase in renewable energy. Yes, cellulosic ethanol, biodiesel, and a whole series of areas of achieving substantial additional renewable energy—all of that is achievable if we decide as a country to establish that as a goal.

We believe doing a number of things, some of which are very controversial, to both increase production and decrease use—that is through conservation and efficiency—can move us to a much less oil-intensive economy.

Now, there is more to do. The larger, comprehensive bill will have to include the issues of electrogeneration and transmission, and all these other issues. We are dealing, in the legislation Senator CRAIG and I are introducing today, with the question of oil intensity in the transportation sector, which is a very substantial part of our oil usage.

Now, we do not believe necessarily that somebody is going to say: Well, do you know what? Let's take this entire bill as it has been written and have a vote tomorrow. We understand that is not the way it works. But we do believe it is important for us to take a hard look at these energy issues from a security standpoint.

We talk about energy in many ways too casually. Our country runs on energy. Especially the issue of oil is a very important issue because so much of it comes from off our shores. So much of it comes in circumstances that we have very little control over.

From an energy standpoint, I was thinking the other day about a visit I had with our former colleague, John Glenn, who described to me, late one night on an airplane as we were flying over the Pacific on our way to Asia—I was pumping him with questions because I was a young boy as I listened on the radio about his space flight. I was asking John about all of this, and I had read about the time when the city of Perth, Australia, I think it was, decided to light every light bulb in the city as a signal to this astronaut flying up there alone circling the Earth.

John Glenn told me, when I asked him the question: As you reached the dark side and looked, did you ever see Perth, Australia, because they lit all the lights of the town to signal you?—and he said he did. He looked down.

The only evidence of life on Earth on the dark side was to see a shining light that was then Perth, Australia. But that light was, of course, a product of energy—energy produced by human beings to make life better on this Earth. So now we come to the year 2007, living in the greatest country on Earth—but an unbelievable, prodigious consumer of energy—in a situation where we do not have a secure energy supply, with 60 to 65 percent of our oil coming from Saudi Arabia, Kuwait, Iraq, Venezuela, and other parts of the world where there is great turbulence.

So the question for this Congress is what to do about that. The answer is, as is the case in all areas of security, we need to be concerned and we need to take action to become less dependent and more independent, to the extent we can, on foreign oil.

So working with a wide group of interests, with an organization that has been working now for several years to put this plan together, Senator CRAIG and I are introducing this legislation today in the Senate. I wish to take a brief moment to comment about what that plan is.

We take—pretty much all of us take—energy for granted. We live a great life. For light, we simply turn on a switch. To move someplace, we turn a key and gasoline flows from the tank, through the carburetor, the fuel injector, and we do not think much about that. But it has given us a pretty unbelievable life. Through it all, we have never had to be very conscious about saving, economizing, efficiency, conservation, and we have not had to be as conscious as we should be now about where oil comes from.

For that reason, we have introduced a piece of legislation that I think has substantial merit. We will work with Senator BINGAMAN and Senator DOMENICI and others on the authorizing committee to incorporate the provisions and the ideas that are represented in this plan as a new approach to energy in our country's future.

Mr. DORGAN. Madam President, I yield the floor and suggest the absence of a quorum.

I withhold the suggestion of an absence of a quorum.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I would like to particularly commend the leader, Senator REID, and the chairman of the Armed Services Committee, Senator LEVIN, for the work that has been done in putting together a resolution which, as much as possible, can meet some of the objectives of the Democratic majority of this body at the present time. That is not an easy task.

I think Members who participated in this effort took into consideration that in less than a week our Nation will mark 4 years in Iraq. We have spent nearly $400 billion. We have lost more than 3,000 Americans. More than 140,000 of our own brave men and women find themselves trying to salvage a situation that simply cannot be solved through military force.

If I believed there was any chance the military could solve the problem of hundreds of years of hatred between Sunni and Shia by resolving what is effectively a civil war, I would believe this surge and more troops might solve this situation. But I do not.

The only solution rests with the Iraqi Government and the Shia majority. The Iraq of today is embroiled in four different wars—a terribly complex civil conflict that even General Petraeus, our commander in Iraq, says requires a political solution.

Simply put, there is no end in sight. Yet the President insists on escalating our troop presence there. None of this makes sense to me because I deeply believe we must change our course in Iraq. That is why I support the joint resolution before us today.

Where the administration expands our involvement in Iraq, this resolution sets a time limit. Where the administration sees a military solution, this resolution recognizes that the solution must be political. Where the administration calls for more money and more troops, this resolution says: Enough is enough. Where the administration fails to put demands on the Iraqi Government, this resolution tells them: You must take responsibility for your own future.

The Iraqis must realize our commitment is not open-ended and they must stand on their own. How can we ever expect that Iraqis will be able to stand up and make the political choices if we keep such a large, sustained American troop presence in Iraq? We become the buffer, then, that prevents the solution. Only the Iraqis can choose to end this civil war. Only the Iraqis can unify their country if, in fact, the Shia majority want a unified Iraq. Yet this will never happen until we begin to draw down our troop levels. This resolution does exactly that. It is a vehicle for the Congress to show leadership, to tell the President that he has put us on the wrong course and that a political solution is the key to this conflict.

This resolution sets us on that path. It spells out clear deadlines: The phased redeployment of our combat forces must begin within 120 days of the resolution's passage. A goal of March 31, 2008, would be established for the redeployment of our combat forces out of Iraq. This resolution also redefines the mission. A smaller force could remain in Iraq. The mission would be limited to force protection, training and equipping Iraqi troops, and targeted counterterrorism operations.

It is, in a way, similar to the resolution I introduced last month which set an expiration date for the 2002 authorization for the use of military force in Iraq.

This resolution fills a void. It puts a long-term political, diplomatic, and economic strategy for Iraq at the center of our national policy. That is where I believe it should have been a long time ago. It is consistent with the views of the American people, whose opposition to this war and this escalation or surge remains strong and sustained to this very day. But instead of following the will of the American people, this administration is pursuing a surge in forces which appears to be growing. The administration has not set any limits on the number of troops needed or on the duration of the mission or the cost to the American people.

In January, the President said he would send an additional 21,500 troops to Iraq at a projected cost of $5.6 billion. Yet just this week the White House asked the Congress for another $2.5 billion to pay for an additional 4,700 support troops for the surge in Iraq. The costs keep rising.

The Pentagon initially said it would be only a matter of months before we could assess whether the surge was a success. I believe the new Secretary of Defense, Secretary Gates, said we should know within 4 months whether this surge is successful. But the commanders on the ground now suggest we may have to sustain the escalation until well into next year. Yet it is clear our military is under such strain that the only way to maintain those 20 brigades is by extending the deployment of many of our soldiers in Iraq, and by making many more deploy overseas much earlier than planned.

We are breaking our own military in Iraq, even as it becomes increasingly evident that success cannot be achieved militarily.

Just consider these facts. More than 420,000 troops have been deployed at least twice; 420,000 men and women have been deployed twice. More than 50,000 troops have had their tours extended through ''stop-loss'' orders. Troops are being rushed into the field without proper training and without

enough armor. We are leaning more and more heavily on the National Guard. Yet 90 percent of the Guard units in the United States are rated ''not ready.''

I understand why the President may wish to talk about ''encouraging signs'' in Iraq. But the facts show otherwise. Even while the violence in Baghdad has decreased, violence outside the capital has increased. Two hundred Shia pilgrims have been killed in just the past week alone. As insurgents have left Baghdad to avoid the ongoing military crackdown, they have simply melted away into outlying regions, waiting for the pressure to ease.

What makes anybody think this will be any different by the end of this year, the middle of next year, or the end of next year, or any other time? While more American soldiers deploy to Baghdad, the Iraqis have yet to provide all the troops they promised.

There is no end in sight. This joint resolution changes that. It changes course. It redefines the mission. I urge the Senate to vote for it.

I thank you, and I yield the floor.

The PRESIDING OFFICER (Mr. OBAMA). The majority leader is recognized.

Mr. REID. Mr. President, I apologize to everyone, especially those who were planning on going to visit with the President of Mexico with me on Friday. I have had a longstanding appointment with the President to talk about issues important to our country, but we are now in the midst of this debate dealing with Iraq and, following that, the U.S. attorneys. I have told everyone that we weren't going to have votes on Friday, and that was really my intention because I was going to be out of the country with five of my colleagues. I haven't had a chance to speak to any of the five Senators who are traveling with me. But I think it is only fair at this time that I cancel my trip, and that is the reason I am addressing the Senate now. My trip is canceled as of now.

I don't hold any ill will toward anyone. Senator MCCONNELL has worked with me every half hour today trying to work something out, so this is not any finger pointing in any way. I just want the RECORD to reflect that I think we will work something out so we will not have to be in session on Friday, but I don't want anyone thinking that any of my work toward completing everything we need to do here by tomorrow is based upon my trip because that is not it. I want to make sure that everyone is free. I will be talking to my colleagues independently and telling them that we will try to do this some other time. But I think I would be judged very poorly if during the midst of this debate on the most important issue facing the American people—Iraq and then the issue we are also trying to resolve, and that is the U.S. attorneys problem—that my trip got in the way of that at all.

Again, I want the RECORD to reflect that the Republican leader has been a gentleman throughout. It is not his fault in any way. I hold no one to blame. I just want to make sure that as negotiations go forward from this minute, they are based on what is best for the Senate and has nothing to do with my trip. I will continue to work, I tell all my colleagues, both on the majority and the minority side, with the distinguished Republican leader to do everything we can so that we don't have votes on Friday, but we may not be able to do that. I think we can, but we may not be able to. If we can't work something out on a consent to finish this Iraq debate in some positive manner, then we would have to have—I would have to move to cloture tomorrow night some time, at 6 or 7 o'clock. But I will continue to work on this, and I apologize. Even though I had one of my staff a few minutes ago call the Mexican Ambassador to say that we would likely not be able to do that trip, and now we are not going to be able to do the trip, I will call the President of Mexico and tell him there will be other times to do this trip.

Mr. MCCONNELL. Mr. President, will the majority leader yield?

Mr. REID. I yield to the minority leader.

Mr. MCCONNELL. Mr. President, let me just echo the remarks of the majority leader. I see that Senator WARNER is now on the Senate floor. He and I had a conversation at noon about a proposal he hoped to offer. It is my understanding, I would say to my friend, the majority leader, that his proposal has just been handed to us. That was the reason for the delay this afternoon, with all due respect to the Senator from Virginia. I know he was working on drafting it, but that is the reason we have not been able to hopefully get to the point of having an agreement, which the majority leader and I both would like to have.

We are ready for this debate, and now that Senator WARNER is on the Senate floor and has his proposal, we will give a copy to the majority, and I will be able to see it myself, and hopefully, shortly, we will be able to enter into an agreement that will be satisfactory to both sides. Certainly, that is my hope and my expectation.

Mr. REID. I thank the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, may I say the distinguished Senator from Kentucky is exactly right. I am doing my very best, in consultation with Senator NELSON and other Members, to try to prepare this document. It is now in draft form. I would hope it could be concluded very shortly. So I plead guilty to the facts, and I apologize to the distinguished leader.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MENENDEZ. 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. MENENDEZ. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PREDATORY LENDING

Mr. MENENDEZ. Mr. President, I wish to address one of the largest problems plaguing our home buyers today; that is, predatory lending. Over the past few days, the Wall Street Journal has written a number of articles about abuses in the subprime lending industry prompting a much needed crackdown on dishonest practices and deceitful lending. In addition, on Tuesday, the Mortgage Bankers Association reported that the number of new foreclosures reported during the fourth quarter of 2006 reached the highest level in 40 years. Not surprisingly, foreclosure and delinquency rates were highest among subprime lenders.

Mr. President, enough is enough. The recent scandal at the New Century Financial Corporation, one of the largest subprime lenders, is a final straw. As the Wall Street Journal describes in one instance, an elderly woman was struggling to make her $952 monthly mortgage payments when a mortgage broker called and offered her a ''senior citizen's loan'' from New Century Financial. They told her she wouldn't need to make payments for years. Well, she didn't get years. Instead, her monthly payment skyrocketed to $2,200 per month, more than double her income. With the assistance of a lawyer, she escaped foreclosure, but many others are not as fortunate. This is a prime example of the consumer exploitation occurring in subprime lending, and it is simply unacceptable.

Unfortunately, there are many more examples. Unscrupulous predatory lenders prey upon the innocent and unsuspecting. We know these lenders are more likely to target women, racial minorities, and the elderly. In fact, a recent academic study by the University of Denver found that more than 130 million Americans without prime credit scores—the type you need to get a low-cost loan—are disproportionately African American and Hispanic. How can we sit by while these groups are not only being robbed of their savings but robbed of their dream? For many, home ownership is the key to making the American dream a reality.

I have been a longtime advocate for increasing home ownership in underserved and minority communities. More and more Hispanics, for example, are realizing their dream of home ownership, with more than 50 percent of all Hispanics in the country owning homes. But when an average of 63 percent of Hispanic household wealth comes from ownership equity alone—the highest percentage of any group—it becomes clear the power that home ownership has to bring more families out of poverty, increase safety in our

neighborhoods, and help make the American dream a reality for all.

I have worked to create innovative mortgage products to help more people achieve their dream of home ownership, and I strongly believe we should not act in such a way that we dry up access to capital and mortgage options for those who are legitimately prepared to take on the responsibilities of home ownership. There are legitimate lenders who fill that need, and we should continue to work with them to preserve safe and secure loan options for consumers.

Unfortunately, predatory lending is making a mockery of the home-ownership dream for far too many individuals. Ironically, however, deceitful subprime lenders are living the dream. They are making enormous amounts, often making millions in profits. They do that by undermining the very essence of that dream for so many in our country. Last year, subprime loans totaled about $605 billion, which is one-fifth of the total overall market for U.S. home loans. We simply cannot ignore this segment of the market which serves some of the most vulnerable populations, including women, seniors, and minorities.

Many Americans listening probably think they could never be a victim of these predatory lenders. Judging from their financial success and the significant impact their practices are having on the stock market and the economy as a whole, it is clear that far too many Americans are falling victim, in many instances through no fault of their own. In communities across America, people are losing their homes and their investments because of predatory lenders. Let me take a moment to list their tactics.

Deceptive subprime lenders encourage borrowers to lie about their income, expenses, or cash available for downpayments in order to get a loan. They approve loan applications in which the income fields have been left blank. They knowingly lend more money than a borrower could possibly afford to repay. Furthermore, these lenders tell borrowers they have no other chance of getting a loan or owning a home. For many who dream of home ownership, it is hard to ignore. Home buyers are asked to sign sales contracts or loan documents that are blank or that contain information which isn't true. They sign forms where the cost-of-loan terms at closing are not what they agreed to.

The lenders' tactics are deceptive, and their words are convincing. It is no wonder many Americans have fallen into the trap. That is why I believe those who engage in predatory lending practices must be held accountable. We should no longer sit by while our communities are being targeted by these individuals and companies. We must address predatory lending through vigorous enforcement of safety and soundness standards, consumer protection, financial education programs, and credit counseling. Well-informed consumers are less likely to be the victims of predatory lenders and more likely to make better choices. However, at the same time, there are market forces that absolutely, without a doubt, prey upon the innocent and unsuspecting.

I would have preferred to have the industry fix this situation, but I personally am no longer willing to wait. This has been going on far too long. Time has run out, and I believe we need a legislative solution. As a member of the Banking, Housing, and Urban Affairs Committee, I look forward to working with the chairman of the committee, Senator DODD, to address predatory lending and to develop a solution that will protect the Nation's home buyers.

I wish to assure the American people, those who are currently struggling to pay their mortgage and those who are looking to own a home, that I will not rest until they are protected against the claws of predatory lenders. Enough is enough. American consumers deserve safe and secure mortgage options and new protections against predatory lending.

Finally, for those across the country who believe this is an issue which affects just homeowners or minority communities or those who should know better, I say ''think again.'' As today's Wall Street Journal reports, this issue has a chilling rippling effect across our Nation's economy, leading to sharp declines in the stock market and a sense that we are ''kind of back to panic mode,'' according to one economist quoted in the article. So don't be fooled. This is a serious issue which has far-reaching effects across our economy. Without prompt action, we put not only more individuals at risk of deceitful predatory lending practices but we put our financial markets and our economy at risk as well. The time to act is now, and I look forward to working with my colleagues to do just that.

Mr. President, I yield the floor.

Mr. LIEBERMAN. Mr. President, I rise to speak against S.J. Res. 9.

Today, the Senate gathers once again to debate the war in Iraq. This is a debate which has been at the center of our national politics—indeed, of our national consciousness—for 4 years now. As everyone here knows, we are now in the thick of the battle for Baghdad, a critical battle where the outcome hangs in the balance.

A new commander, GEN David Petraeus, has taken command, having been confirmed by the Senate 81 to 0 just a few weeks ago. A new strategy is being put into action, with new troops being deployed into Baghdad. The question we in the Senate now confront is simple: Will Congress give General Petraeus and his troops a chance to succeed?

This joint resolution before us would deny them that chance, forcing our troops to break off the battle of Baghdad in 120 days without regard to how they are doing. Instead of providing General Petraeus with the necessary reinforcements he has requested, the reinforcements he is, indeed, counting on, this resolution would strip troops away from him in the middle of the battle. That makes no sense. It is why Eisenhower famously once said: ''Anyone who sets a deadline in war doesn't understand war.''

We need to be clear with ourselves and with the Nation. The joint resolution we are debating would impose a fixed date for the beginning of a withdrawal from Iraq. In just 120 days after this legislation would be passed, American forces would be required by law to begin redeploying out of Iraq. This would happen regardless of conditions on the ground, regardless of the recommendations of General Petraeus, regardless of the opinions of our allies in Iraq and throughout the region, and regardless of whether security is then improving or deteriorating. It would bind the hands of General Petraeus, substituting the judgment of Congress today for the judgment of our military commanders, our diplomats, and our friends in the region 120 days from now.

Congress has been given many great responsibilities by our Constitution, but the daily micromanagement of war is not one of them. In fact, the proponents of this resolution, as I listen to them, make no attempt to justify why 120 days from now is exactly the right time to commence a withdrawal. Perhaps that is because there is no military or strategic logic at work. This is a deadline which is as arbitrary as it is inflexible. It specifically denies a great American general, David Petraeus, the room for decisive leadership, which history tells us any successful commander must have. Surely we know better than this. Surely we cannot think this is a path to success or security.

I have heard opponents of the current strategy insist that our troops should not be there ''policing a civil war.'' Well, that position, that statement would come as a surprise to the soldiers who have been serving in Bosnia and Kosovo over the past decade, first stopping and now policing a civil war—in fact, two of them. They were correctly, wisely dispatched there by a Democratic President, with the support of Democrats in Congress, the support of many of the same colleagues of mine who are today calling for this withdrawal.

I ask you, my friends, what has changed? Has security worsened in Iraq since the new strategy began? Has the political situation deteriorated? Have you lost confidence in General Petraeus, whom we confirmed just a few weeks ago? I think the answer to all those questions is no.

So I would ask: If we were to stop our legislative debating and maneuvering for a moment and actually look at what is happening in Baghdad right now, what would we see? We would see that sectarian fighting between Sunnis and Shiites is down in districts in Baghdad where American and Iraqi

forces have entered. That is according to General Petraeus' senior counterinsurgency adviser. We would see that Muqtada al-Sadr has disappeared, that many of his top lieutenants have been arrested, and that his mighty army, which terrorized much of Baghdad for the last year, has gone to ground. We would also see signs of political progress, including the passage of the new oil law by the Iraqi Cabinet, renewed talks by Sunni insurgent leaders about reconciliation, and even word of an impending Government shakeup involving the removal of some Ministers in the current Government. Finally, if we stopped and stepped back from the debate here in Washington and looked at what is happening on the ground in Baghdad and in Iraq, in Anbar, right now, we would see that the military surge has made possible a critically important diplomatic surge, as representatives from neighboring countries gathered in Baghdad last weekend in the first of a series of such regional conferences.

I don't know if this progress will lead to ultimate success in Iraq, to victory over extremism and terrorism there, to a victory for democracy and hope for an alternative path in the Arab world to the death and suicide and hatred al-Qaida offers, but I can tell you that what is happening in Iraq today certainly does not look like failure to me. In fact, it looks like some progress is being made as a result of this new strategy in Baghdad and in Anbar—preliminary but encouraging progress.

So why, in the face of these developments, would the Senate possibly adopt a resolution such as this? Why, in the face of these encouraging developments that suggest this new plan might well be working, would this Chamber demand that it end? Why, just weeks after confirming General Petraeus, would this Chamber block him from carrying out the strategy he shaped and is now successfully implementing?

There is only one understandable reason for Congress to impose this kind of deadline to begin a withdrawal, and that is if we were absolutely convinced the Petraeus strategy is doomed to failure. The only way a timetable for withdrawal makes sense is if there is no glimmer of hope that General Petraeus and the troops serving under him can succeed. I submit that is simply not a conclusion justified by the facts on the ground in Iraq today.

We are in a long and difficult war. We know that. The price paid by our heroic soldiers and their families has been heavy. I recognize that it is a war in which we have made mistakes, some of them serious, and in which we have experienced exacerbating, heartbreaking, infuriating setbacks. It is a war that has stirred the anger and frustration of the American people, feelings that are justified. What is not justified, however, is for Congress to let the passions and politics of the moment blind us to what is happening on the ground in Iraq today and what is on the line for our security tomorrow.

Our decisionmaking should be driven by the real-world conditions in Baghdad, not by the political mindset here in Washington. This joint resolution before this Chamber fails that test, and that is why it should fail to pass the Senate. General Petraeus has said he will be able to advise us, the President, the Nation, whether his plan is succeeding by the end of this summer. Until then, let me suggest an alternative course for Congress. Let me suggest we declare a truce in the Washington wars over the war in Iraq. For the next 6 months, let's let our troops and the Iraqi forces fight with our support and without us sending them mixed messages. Let us, instead, across party lines, in this Senate and in the House, come together around a constructive legislative agenda for our security in the world, including in Iraq, authorizing an increase in the size of the Army and Marines; funding the equipment and protection for our troops in Iraq, Afghanistan, and worldwide; monitoring progress on the ground in Iraq with oversight hearings, investigating contract procedures being followed in Iraq and Afghanistan, and guaranteeing Iraq war veterans receive the first-class treatment and care they deserve when they come home.

I ask my colleagues to think hard about what we are doing and what this resolution asks us to do. I ask you to look carefully, not at the public opinion polls in Washington or throughout America, but at the realities on the ground in Iraq and to think about the consequences of a forced withdrawal and failure there. I ask you to step back from this path and to vote against this resolution.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Vermont.

Mr. SANDERS. Mr. President, recently in my home State of Vermont, the Vermont State Senate, with a very strong vote, passed a resolution in opposition to the war in Iraq and demanding that our troops come home as soon as possible. It is appropriate our legislature has done that because in Vermont we have paid a very high price for this war. In fact, in terms of per capita loss, the State of Vermont is higher, tragically, than any other State in this country.

In my home State of Vermont, and I believe all across this country, the American people are deeply concerned about the war. They want real debate here in Washington on the issue and, most importantly, they want reaction. That is why I will vote for cloture on S.J. Res. 9 and why I will then proceed, if I am allowed to, if the Republicans allow us to cast that vote, to vote for this resolution.

Let me say a word about the resolution itself, which is very clear and to my mind directly addresses the central concerns of the majority of Americans who, in the elections last November, made it as clear as they could that they want a new course in Iraq. They do not want more of the same, they want a new direction.

The joint resolution we are debating backs our troops, it fully supports our troops, but recognizes that circumstances in Iraq have changed dramatically and most importantly establishes a goal of removing U.S. combat troops by March 2008.

It requires the troop redeployment out of Iraq begin no later than 4 months after the legislation is enacted. The goal it sets of redeploying most of our troops out of Iraq, March 31, 2008, happens to be the very same date proposed by the bipartisan and well-respected Baker-Hamilton Iraq Study Group. So this follows very closely the line of thought of the Baker-Hamilton Iraq Study Group.

It allows troops to remain in Iraq for three purposes: to protect Americans still working on Iraqi reconstruction, to train the Iraqi police and their military, and to engage in counterterrorism operations.

In my view, President Bush's war in Iraq has been an unmitigated disaster. It is a war many of us understood we should never have gotten into in the first place. It is a war this administration was totally unprepared to fight, where some people in the administration were talking about how the Iraqis would be throwing flowers at our troops—not roadside bombs but flowers—and that our troops would be coming home after a ''cakewalk,'' in a couple of months.

That was what they were talking about. It is a war that unfortunately and tragically has cost us terribly in terms of American blood. As of today, we have lost almost 3,200 brave American soldiers, almost 24,000 more have been wounded. Let me tell you very clearly that the evidence is overwhelming that tens of thousands more of these brave soldiers fighting in Iraq are going to be coming home with post-traumatic stress disorder or coming back home with traumatic brain injury. That is the reality of what this war has cost us up to now.

This at a time when we do not have the funding to adequately take care of our veterans, as we have seen at Walter Reed, at a time when middle-class families cannot afford to send their kids to college, at a time when this Nation has the highest rate of childhood poverty in the industrialized world, at a time when hunger in America is substantially increasing. This war, with the President's proposed increase, will cost us some $500 billion and that price tag is going up by $8 billion every month.

This cost is not only going to take money away from the pressing needs of the middle-class and working families of this country, but it is going to add to the $8.5 trillion national debt which this country currently has.

This is a war that has caused unspeakable horror for the people of Iraq—not just for our families who have suffered losses but for the people of Iraq. People who had suffered so long

under the horrendous brutality of the Saddam Hussein dictatorship are suffering even more today. We are looking at a nation in the process of disintegration. That is Iraq today. There are estimates that hundreds of thousands of Iraqis have been killed—some estimates go as high as 500,000—and almost 2 million Iraqis have fled their own country. In fact, anyone in Iraq who has any money at all, anyone who is part of the middle class, is trying to get out of that country as quickly as possible, and about 8 percent of Iraqis have had to flee their own country.

As I speak, President Bush is returning from a trip to Latin America. Wherever he spoke, he encountered massive protests. In country after country he discovered that people in Latin America hold our Nation in extremely low esteem, largely because of his ill-advised decision to invade Iraq and the disastrous way in which the Iraq occupation has been managed. That is certainly true not just in Latin America, it is true all over the world. How are we, as the most powerful military force in the world, going to be able to lead the world in the very important fight against international terrorism and Islamic extremism when in country after country leaders do not want to identify with us because of the policies of the President of the United States.

In the days immediately following 9/11, the world rallied around the United States when we were grievously attacked; not just leaders but the huge majority of people in nations all over the world expressed their support and expressed their concern for the United States. They were on our side, not just for reasons of compassion but understanding that we had to work together as a planet, as a civilized world in addressing the attacks of extremists and fundamentalists and terrorists. We had to work together and the United States was prepared to play a leadership role.

Tragically, that reality is no longer the case. We are now held in lower esteem internationally than ever before in the modern history of America. That is not just a bad thing in the sense of our young people going to Europe and finding out they are not respected or that our country is not respected, it is a bad thing if we are serious about trying to develop an international consensus to fight the very serious problem of international terrorism.

Tragically, the Bush administration has refused to listen to the American people who, in the national election this past November, made it very clear they want a new direction in Iraq and they want this war wound down. They did not vote for an escalation in this war, they voted to wind down the war. This administration has not only not listened to the American people, they have refused to listen to the thoughtful suggestions of the bipartisan Iraq Study Group. This administration has refused to listen to the advice of our military leaders in Iraq who have told us that increasing troops from the United States would make it easier for the Iraqi Government and military to avoid their political and military responsibilities: Why make the hard political decisions? Why make the hard financial decisions? You don't have to do that. Uncle Sam is there to provide you with the troops. The American taxpayer is there to provide you with the money. You don't have to make those choices.

This administration has not only refused to listen to the American people, to our military, to the Iraq Study Group, perhaps most importantly they have refused to listen to the Iraqi people themselves who, according to a number of polls, tell us very strongly they believe that in the midst of all of the chaos, all of the horror that is taking place in their country, they would be more safe, they would be more secure if our troops left their country.

If President Bush will not listen to anybody, including the American people, including former generals, including the Iraq Study Group, including international public opinion, then it is up to Congress to tell him it is time to move in a new direction in Iraq. In the 2006 elections, in my view, the people of Vermont and of this Nation told us they wanted Congress to begin asserting its constitutional authority over this war and that they wanted us to rein in this administration. Most important, they told us they wanted us to begin the process of bringing our troops home as soon as possible. As a Vermont Senator, that is exactly the effort I intend to make. We must bring our troops home instead of leaving them to be embattled referees of a civil war that only the Iraqis—not our brave soldiers—can stop.

Iraq's Government and its military must step up and accept their political and military responsibilities. As the Baker-Hamilton commission said, that will only happen when we insist that the Iraqis and not American troops are responsible for the future of Iraq.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANDERS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. SANDERS. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SERGEANT CHARLES ''CC'' JOHNSON

Mr. REID. Mr. President, I rise today to congratulate Charles Curtis Johnson, or ''CC'' as he is known to friends, on his retirement from the U.S. Capitol Police after nearly 32 years of dedicated service.

Sergeant Johnson started his career with the Capitol Police in 1974. For more than 14 years, he performed a variety of law enforcement duties as a member of the Capitol Division. In 1992, Mr. Johnson was named administrative sergeant and started working with the First Responder Unit that protects the Capitol grounds. By 1998, Mr. Johnson was promoted to sergeant and supervised the officers that protect the House and Senate Chambers.

In 2004, Sergeant Johnson earned a post as one of the supervisors of the Horse Mounted Unit. This elite unit is well known for its rigorous training requirements, and Sergeant Johnson passed these tests with ease. After his work on the Horse Mounted Unit, Sergeant Johnson was promoted to the Patrol/Mobile Response Division. He served there until his retirement, marking a long career of dedication to the Capitol Police Force.

Sergeant Johnson is also the devoted husband of a fellow Capitol Police officer, Captain Shirley Jo Johnson. Together, they have raised four children, and are the proud grandparents of four grandchildren. There is no doubt that his family can be proud of his example of professionalism and sense of duty to others.

As Senate majority leader, and a former Capitol Police officer, I have the greatest respect for the fine men and women of the Capitol Police Force. Sergeant Johnson embodies all of the qualities that make the Capitol Police one of the best law enforcement divisions in the Nation. I am pleased to recognize Sergeant Johnson today before the Senate, and I wish him the best as he embarks on this new chapter of his life.

HONORING OUR ARMED FORCES

U.S. ARMY SPECIALIST JUSTIN ALLAN ROLLINS

Mr. GREGG. Mr. President, I rise today to pay special tribute to U.S. Army SPC Justin Allan Rollins, of Newport, NH. Tragically, on March 5, 2007, this courageous 22-year-old soldier, along with five of his soldier comrades, gave their last full measure for our Nation when an improvised explosive device detonated near their unit during combat operations in Samarra, Iraq. At the time of this hostile action, Specialist Rollins, the gunner on his HMMWV, was assigned to the 2nd Battalion, 505th Parachute Infantry Regiment, 3rd Brigade Combat Team, 82nd Airborne Division, Fort Bragg, NC, and was serving in support of Operation Iraqi Freedom. He had recently reenlisted in the Army for an additional 4 years.

Justin, the son of Mitchel ''Skip'' and Rhonda Rollins, was born on November 10, 1984, and had resided in Newport, NH, all of his life. He was a 2003 graduate of Newport High School

where he played center on the football team and threw shot put and discus for the track and field team. Those close to him describe him as a wonderful young man with a nice smile and a hearty laugh, a loyal friend, and a patriot with a strong desire to serve his country. Family and friends say he had a zest for life and loved to hunt and drive fast cars.

Sensing a call to duty, and in response to the September 11 terrorist attack on our Nation, he joined the U.S. Army in 2004. Justin reported to Fort Benning, GA, where he completed basic training, infantry training, and Army Airborne School. Upon completion of his training in August 2004, he was assigned and reported to the 2nd Battalion, 505th Parachute Infantry Regiment at Fort Bragg. In August 2006, he deployed with his unit to Iraq. He said he went to Iraq so that the Iraqi children could have the same opportunities as U.S. children and he was extremely proud of what he was doing. The awards and decorations that Specialist Rollins received over his years of service are a testament to his strong character. They include the Bronze Star with Valor, two Purple Heart medals, Army Good Conduct Medal, National Defense Service Medal, Iraq Campaign Medal, Global War on Terrorism Service Medal, Army Service Ribbon, Army Overseas Service Ribbon, Combat Infantry Badge, and Airborne Wings.

Patriots from the State of New Hampshire have served our Nation with honor and distinction from the first conflict at Fort William and Mary, New Castle, NH, to the current conflict in Samarra, Iraq, and U.S. Army SPC Justin Allan Rollins served and fought in that same fine tradition. During our country's difficult Revolutionary War, Thomas Paine wrote, ''These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of their country; but he that stands it now, deserves the love and thanks of man and woman.'' In these turbulent times Justin stood with the country he loved, served it with distinction and honor, and earned and deserves our love and thanks.

My sympathy, condolences, and prayers go out to Justin's parents Skip and Rhonda, older brother Jonathan, grandparents, longtime girlfriend Brittney Murray, and to his other family members and many friends who have suffered this most grievous loss. Family, friends, and fellow soldiers will no longer be able to enjoy his company. Strangers will never have the opportunity to know his friendship. Yet memories of this young patriot will last forever with those who were fortunate enough to have had the opportunity to know him. Justin had said that there is no higher honor than to be buried in Arlington National Cemetery, and now he joins many of our country's heroes in that sacred place. Because of his devotion and sense of duty, the safety and liberty of each and every American is more secure. In the words of Daniel Webster, may his remembrance be as long lasting as the land he honored. God bless Justin Allan Rollins.

PRIVATE FIRST CLASS JASON D. JOHNS

Mr. BAYH. Mr. President, today I have a heavy heart and deep sense of gratitude to honor the life of a brave young man from Frankton. Jason Johns, 19 years old, died on February 21 while deployed in Afghanistan. With his entire life before him, Jason risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Although Jason moved to Florida when he was young, his valor over the course of his service in Afghanistan makes us proud to count him as a Hoosier, too. According to his father, Jason had known that he had wanted to be a soldier for as long as his friends and family could remember. He fulfilled that dream when he joined the Army in 2005, shortly after receiving his GED. Jason enjoyed the military, and he intended to make it his career, hoping to someday reach the rank of general. His father, along with friends of the family, described him as serious about his career and a selfless man who wanted to serve his country.

Jason died while serving his country in Operation Enduring Freedom. He was a member of the 3rd Battalion, 82nd General Support Aviation Battalion, 82nd Airborne Division out of Fort Bragg, NC. This brave young soldier leaves behind his mother and father, Kim and Jeffrey Johns, and two older brothers, Jack and Jeremiah.

Today, I join Jason's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Jason, a memory that will burn brightly during these continuing days of conflict and grief.

Jason was known for his dedication to his family and his love of country. Today and always, Jason will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Jason's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: ''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.'' This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Jason's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Jason D. Johns in the official RECORD of the United States Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Jason's can find comfort in the words of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Jason.

IMPROVING AMERICA'S SECURITY ACT

Mrs. CLINTON. Mr. President, over 5 years ago, on September 11, terrorists murdered nearly 3,000 people in the single deadliest attack on American soil in our history.

What all Americans witnessed and what too many families experienced personally and tragically was the dawn of a new era. We knew it then. National Guard patrolled Federal buildings and airports. The military patrolled the skies over New York and Washington, DC. The United States had been attacked by a new kind of enemy in a new and more dangerous world. We faced tough questions as a nation: How do we defeat this enemy? How do we fight terror abroad and protect America at home?

What was clear that day and remains so today is that the threat posed to us by terrorism requires a great mobilization of American might, muscle, resources, and ingenuity.

Armed with this mandate, many of us fought alongside those who lost loved ones on September 11 to compel an unwilling Bush administration to create the 9/11 Commission. The determination and steadfastness demonstrated by the families hardest hit by the September 11 tragedy made the 9/11 Commission a reality. We applauded when the bipartisan Commission concluded its investigation and released its thorough report detailing recommendations to protect this Nation from another attack, confident that the Congress and the administration would in short order implement their recommendations.

Shamefully, for some in our Federal Government, the sense of urgency and resolve faded in the months and years that followed. Some of the Commission's most commonsense recommendations went ignored. Even in the face of dangerous incompetence in our emergency preparedness and response to Hurricane Katrina, we received tough rhetoric instead of much needed reform. Five years after the 9/11

attacks and 2½ years after the 9/11 Commission released its initial report, much of the work of properly securing our homeland has gone undone. That is why this legislation to implement many of the remaining recommendations of the 9/11 Commission is long overdue.

I have long supported the Commission's recommendation that ''homeland security assistance should be based strictly on an assessment of risks and vulnerabilities.'' With our homeland security resources limited, we need to be smart about how we distribute funding to guard against terrorism. Sadly, all too often, funding decisions have been made based on politics in Washington instead of the reality in our cities and neighborhoods. It is why I introduced the Homeland Security Block Grant Act as well as the Domestic Defense Fund Act, both of which would provide direct and threat-based homeland security funding to our communities and first responders to help them improve our homeland defense. But even funds supposedly distributed based on risk have been administered incompetently.

Last spring, the Department of Homeland Security, DHS, announced its 2006 homeland security grants. Cities and States across the country facing high terrorist threats suffered considerable funding cuts, a decision which can be largely attributed to a series of highly questionable risk assessments. New York City and Washington, DC, both already the targets of attacks, were slated for drastic reductions. Funding under the Urban Area Security Initiative, UASI, alone was slashed in New York City by more than 40 percent and in Washington, DC by 43 percent.

We clearly need to get smarter about how we assess risk. It would surprise most people to learn that until now, the process of assessing risk has been done on an ad hoc basis within DHS, with several different offices tasked with contributing to the analysis. This seemingly haphazard process has led to constantly changing grant guidance and formulas, wide fluctuations in yearly grant awards, and a failure to develop a long-term strategy for risk assessment. What we need is a full-time staff of methodologists whose sole responsibility it is to assess risk. That is why I offered an amendment to bill that would create a Risk Assessment Center within DHS.

While the funding proposal contained within Improving America's Security Act moves us closer toward a threat-based funding model, it still falls shorts of what the 9/11 Commission recommended. Specifically, the State minimum funding requirements contained within the bill are still too high and there is still too much reliance on population-based formulas that bear little relation to risk. My hope is that during conference committee negotiations to reconcile the House and Senate bills, efforts will be made to ensure that our limited homeland security funds are directed toward mitigating our most significant vulnerabilities and that political formulas are abandoned.

As we discuss the importance of homeland security and how critical it is to provide adequate funding for our first responders, we cannot leave the 43,000 transportation security officers, TSOs, in this country out of the conversation. Every day, TSOs are on the national security frontlines, keeping our airports safe and protecting countless citizens as they travel. Despite the significant training, experience, and patience required to execute these duties, TSOs have lacked the basic workers rights and protections for over 5 years, including whistleblower protections and the right to collectively bargain. As a result, the officers we task with protecting our airplanes from another terrorist attack now have the highest injury rate of any Federal agency, a high attrition rate of almost 30 percent, and, according to a recent report, the lowest morale of any agency in the Federal Government.

It is why I supported Senator MCCASKILL's amendment that would guarantee to TSOs collective bargaining and other basic labor rights that other Federal law enforcement officers already enjoy. This amendment would promote our Nation's security by providing a stable workplace structure for the resolution of disputes and the reduction of turnover, as well as allow TSOs to expose threats to aviation security without fear of retaliation. The amendment also includes provisions that make explicit that TSOs would not enjoy the right to strike, the right to bargain for higher pay, or the right to reveal classified information, and that the TSOs must follow all orders during an emergency. This was a smart and carefully tailored amendment that correctly recognizes that we will not be able to effectively safeguard our Nation's security if we do not stand with and support its security workers.

It is also past time to secure our ports and transportation systems. Unscanned cargo containers that pass through our ports pose a substantial risk to our homeland security, threatening not only the gateways to our national economy but also the larger American public. We learned the painful lesson on September 11 that those intent on destroying our American way of life are keenly focused on exposing our vulnerabilities. Because our ports serve as the gateway to our country and its economy, they remain attractive targets susceptible to terrorist attack.

In 2005, more than 84 million tons of cargo with a value greater than $132 billion passed through the Port of New York and New Jersey alone. The sheer scope of commerce at our ports means the threat carries grave consequences—and will take a great deal of hard work and our smartest strategies to meet. And while we took important steps toward addressing these concerns last year with the passage of the SAFE Ports Act, we still need to act with more urgency. It is why I supported efforts to expedite the implementation of new scanning requirements during consideration of the Improving America's Security Act.

I am encouraged that the bill does take steps to secure our rail and mass transit systems. Given the lessons of London, Madrid, and Mumbai, it is unbelievable that not more has been done to secure our mass transit. Passenger rail systems—primarily subway systems—here in the United States carry about 5 times as many passengers each day as do airlines. Instead of forcing an impossible decision, between protecting one form of transportation over another, we should invest in the resources and tools necessary to secure our entire transportation infrastructure—before terrorists strike our rail systems here at home.

Importantly, the bill provides grants through TSA to Amtrak, freight railraods, and others to upgrade security across the entire freight and intercity passenger railroad system. Additionally, the bill provides funding through the Department of Transportation, DOT, to upgrade and to fortify Amtrak railroad tunnels in New York, Washington, and Baltimore.

Furthermore, the legislation requires the Federal Motor Carrier Safety Administration, FMCSA, to provide recommendations to both motor carriers and States on how to coordinate hazardous materials routing. The bill also requires DHS to develop a program to encourage equipping trucks that carry hazardous materials with communications and tracking technology. These steps are in addition to those in the bill that bolster aviation security standards. Importantly, the bill requires the Transportation Security Administration, TSA, to develop and implement a system, within 3 years of the date of enactment, to provide for the screening of all cargo being carried on passenger aircraft, a security measure that is long overdue.

The bill also takes several important steps to address our emergency communications systems before we face another crisis. Chaotic, real-world disasters, whether manmade or natural, do not obey borders. They require close coordination of Federal, State and local agencies, firefighters, police officers and EMTs, and others. Yet often these different entities use different communications devices, frequencies, even languages. On September 11, police officers could not effectively talk to firefighters at Ground Zero; at the Pentagon, first responders from Virginia and Washington, DC faced the same problem. After Katrina, we had responders exchanging business cards at the site of the disaster along the gulf.

That is why the 9/11 Commission recognized our crucial need to have interoperable communications, so that all

of our first responders can communicate with each other at the scene of an emergency. It is why I introduced legislation last year that would give our first responders an interoperable emergency communications system coordinated under Federal leadership. I am pleased that the bill provides funds to improve interoperable emergency communications and gives the National Telecommunications and Information Administration, NTIA, greater direction regarding how to distribute these funds.

This bill also contains a provision offered by Senator STEVENS and me which will provide immediate and critical funding to help upgrade and improve our Nation's 9–1–1 call centers. This funding will help ensure that 9–1–1 call centers can be an effective part of an emergency response plan and will make certain they have the technological upgrades to handle and process all the emergency calls that come into them so that our first responders know where to go and what situation they are walking into.

Nearly 5 years ago, America suffered a brutal terrorist attack that stole nearly 3,000 lives and changed America forever. What was required here in Washington was leadership. Leadership to inspire Americans to meet the threat head on. Leadership to mobilize our resources and respond effectively. Leadership to keep our country safe in a new and more dangerous world.

Sadly, the Bush administration failed to match the urgency and resolve of the American people in this great struggle to secure our homeland. Today, with passage of this important legislation, we will demonstrate the leadership that we have been sorely missing for too long in the fight to safeguard our Nation and its citizens.

VOTE EXPLANATION

Mr. BROWNBACK. Mr. President, I regret that on March 9, I was unable to vote on certain provisions of S. 4, the Improving America's Security Act of 2007. I wish to address these votes so that the people of the great State of Kansas who elected me to serve them as United States Senator may know my position.

Regarding vote No. 68, on the motion to invoke cloture on the Cornyn amendment No. 312, as modified, I would have voted to invoke cloture on this amendment. My vote would not have altered the result of this motion.

Regarding vote No. 69, on the motion to invoke cloture on the Reid amendment No. 275, as amended, I would not have voted to invoke cloture on this amendment. My vote would not have altered the result of this motion.

TESTIMONY OF DR. ROBERT SOCOLOW

Mr. BAUCUS. Mr. President, on Tuesday, February 27, 2007, the Finance Committee held a hearing on energy-tax issues titled: America's Energy Future: Bold Ideas, Practical Solutions. I ask unanimous consent that the following testimony from that hearing be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE CHALLENGE OF MANAGING U.S. COAL IN A CLIMATE-CONSTRAINED WORLD

TESTIMONY BEFORE THE SENATE FINANCE COMMITTEE

(Professor Robert Socolow, Princeton University, Feb. 27, 2007)

Mr. Chairman, Senator Grassley, and members of the Committee: Thank you for inviting me to testify today. I am pleased to be here in my capacity as co-director of Princeton University's Carbon Mitigation Initiative; as a Professor of Mechanical and Aerospace Engineering at Princeton; and as an individual concerned about the future of U.S. and global energy policy. I commend you for these hearings.

In 2004 Stephen Pacala and I published a paper in Science magazine called ''Stabilization Wedges: Solving the Climate Problem for the Next 50 Years with Current Technologies.'' We argued for a portfolio of climate-change mitigation strategies. Among these strategies are the deepening of energy efficiency in buildings, transport, and industry; the deployment of renewable energy, nuclear power and biofuels; and the capture and sequestration of carbon dioxide produced at coal power plants and coal-to-liquids plants.

Today, I will focus my testimony on the strategy that has moved to near the top of the list from the perspective of urgency: carbon capture and sequestration, or CCS for short.

COLLISION AVOIDANCE

Mr. Chairman, this really is a time of Bad News and Good News. The Bad News is that two trains are on a collision course. The Good News is that there is still time to switch one of the trains onto a different track.

Train Number One is the rush to coal power in the U.S., a consequence of changed expectations about the future natural gas price. Train Number Two is the urgency of dealing with climate change. In my view, none too soon, climate change is high on the agenda for U.S. policy.

A collision is imminent because burning coal as we have burned it in the past sends more carbon dioxide into the atmosphere for each unit of useful energy produced than any other energy source. So, the rush to coal makes the already difficult challenge of climate change even more challenging.

The switch is carbon dioxide capture and sequestration, or CCS. Using CCS, when coal is burned its carbon does not end up in the atmosphere.

READINESS

CCS is commercially mature; it uses proven technologies in new combinations. Carbon dioxide has long been captured at natural gas power plants and coal power plants for use by the food industry. A 500-mile carbon dioxide pipeline built 20 years ago has brought carbon dioxide from across New Mexico from southwest Colorado to oil fields in west Texas. There are no technological reasons to delay full-scale deployment of CCS.

The best evidence I know for the readiness of CCS for full-scale deployment is the 500-megawatt CCS project at BP's Carson refinery, near Long Beach, California. This project of BP and Edison Mission Group received investment tax credits under Section 48B of the tax code, per the 2005 Energy Policy Act. The project will gasify 4500 tons per day of petcoke, the bottom of the barrel at a refinery, a negative-cost fuel. Four million tons of carbon dioxide will be sent off-site each year for enhanced oil recovery (EOR).

Carbon dioxide capture and sequestration is likely to become a favorable economic strategy for a coal utility at a price of about $30 per U.S. ton of carbon dioxide. Prices on emissions in the same range should also enable other ''upstream'' carbon-saving strategies, ending flaring at the oil field and bringing new investments at oil refineries. Carbon dioxide policy should reach far upstream, because the low-hanging fruit is upstream.

Efficiency in energy use is where the other low-hanging fruit are to be found. A low-tech air-conditioner cooling a poorly designed and poorly instrumented office building is as out of place in a climate-constrained world as a coal plant without carbon dioxide capture and sequestration.

EOR AND NATIONAL ENERGY SECURITY

Carbon dioxide is the mischief molecule in the atmosphere, but the miracle molecule below ground. Used for enhanced oil recovery (EOR), carbon dioxide injects new life into old oil fields. Quantitatively, a new one-thousand-megawatt coal plant will produce about six million tons per year of carbon dioxide. If captured and used for enhanced oil recovery, this carbon dioxide should increase oil production at mature fields by between 30,000 and 80,000 barrels a day. Any carbon dioxide heading for the sky is domestic oil not produced—and more imported oil.

NO CTL WITHOUT CCS

Your committee is considering subsidizing synthetic fuel from domestic coal. From a climate change perspective, unless synfuels production is accompanied by carbon dioxide capture and sequestration, this is a big step backward. Burning coal-based synthetic fuel in a car engine, instead of burning gasoline made from crude oil, sends approximately twice as much carbon dioxide to the atmosphere when driving the same distance—unless CCS is incorporated into the synfuels production process, in which case CTL fuel is no worse for climate than petroleum fuel.

''No CTL without CCS'' isn't the world's most exciting bumper sticker, but it carries a vitally important message.

CARBON PRICE, PLUS

Mr. Chairman, The sulfur trading you helped launch in the early 1990s has been a spectacular success and the template for every cap-and-trade proposal since then. But the launching of CCS will require ''a carbon dioxide trading system, plus.'' I strongly recommend that your committee restrict the next investment tax credits only to coal power plants and coal synfuels plants that capture and sequester carbon dioxide.

Moreover, I recommend that policies specify only that carbon dioxide must be sequestered, with penalties for failure, but then leave it to the market to choose the specific capture and sequestration strategy for each circumstance.

POLICY MUST DISTINGUISH INDUSTRIAL FROM NATURAL CARBON DIOXIDE

Several federal and state energy policies in the 1980s that subsidized enhanced oil recovery resulted in the extraction of carbon dioxide from large geological formations—carbon dioxide that otherwise would have stayed below ground for millions of years. This adverse impact on climate was inadvertent; but now we know better. All legislation henceforth must distinguish industrial carbon dioxide from natural carbon dioxide.

POLICIES THAT PENALIZE EARLY BAD ACTION

Urgently needed for the current period are policies that give clear and persuasive signals that any new coal plants without CCS

will be penalized, not rewarded, in whatever U.S. climate-change mitigation policy emerges after the current planning period. No one should expect the grandfathering of the newborn.

I was one of many who were delighted by the news this past weekend that eight new coal plants with conventional technology proposed for rapid construction in Texas will not be built. I can't prove it, of course, but it seems likely to me that the op ed in the Dallas News last month from Senators Bingaman and Boxer, warning investors and the TXU leadership that, in effect, there would be no grandfathering of the newborn, was instrumental in derailing the construction of these eight backward-looking plants.

Mr. Chairman and members of the Committee, thank you for your attention.

RETIREMENT OF JIM SOURWINE

Mr. HARKIN. Mr. President, this is a statement I wish I did not have to make. Jim Sourwine, who has almost 40 years of Federal service, including more than 30 on the staff of the Senate Appropriations Committee, will retire this month. He not only served the committee but the entire Senate as a professional staff member. And when I say ''professional,'' I really mean it with Jim. Always courteous, always helpful, he is an appropriator's appropriator. He worked for Republicans and he worked for Democrats, with equal diligence. He treated every Senator with respect, and we respected him as well.

Mr. SPECTER. I don't know if the Senator from Iowa knows this, but Jim Sourwine has served almost 100 different members of the Appropriations Committee during his time in the Senate. Imagine each of the desks in this Chamber filled with U.S. Senators, and you will have a sense of the number of committee members Jim served.

Mr. HARKIN. And we all benefited from that service. He understands the appropriations process better than anyone. New staff could always look to Jim for institutional knowledge, and count on him to be a patient teacher of many on both substantive issues an the appropriations process.

The Senate depended on this expertise. Jim is a master craftsman, the person we relied on to compile all the spending figures and technical language and mould it into an appropriations bill. Whether it was drafting an amendment to the budget resolution; finding a creative offset to meet an important priority; or organizing and staffing a hearing on an important labor issue, such as those that we held on the overtime regulation, Jim Sourwine was the staffer we wanted and needed by our side.

Mr. SPECTER. Jim came to the Senate in 1972 when he was first detailed to the committee from the Department of Labor. He found his place quickly and began responding to what were known as ''Harleygrams''—daily instructions from Harley Dirks, who was Senator Magnuson's clerk of the Labor, HEW and Related Agencies Subcommittee, as it was called then.

After Senator Magnuson, Jim served under Senator Schmitt in the 97th Congress, and then Senator Weicker and Senator Chiles. Since the 101st Congress, the Senator from Iowa and I have exchanged the gavel on several occasions. I never miss a chance to mention that I always prefer to have the gavel in my hand. On this occasion, I should also say that I prefer to have Jim Sourwine's services on staff as well.

Mr. HARKIN. Jim is the undisputed master at identifying creative solutions to funding problems. However, we can never forget that the work he did to support this institution ultimately benefited the American people, through increased educational and job training opportunities, greater protections for the Nation's workers or more affordable and improved health care.

For example, when Jim came to the committee, title I education grants were funded at $1.6 billion; this year's level is $12.8 billion. Think of the millions of disadvantaged students who have benefited over the years from this funding. In 1972, Congress created the basic educational opportunity grant to provide grant aid that would help low-income students earn a postsecondary education. The grant program, now known as Pell grants, provides a maximum award of $4,310 to more than 5 million low- and middle-income students. Millions of students have been able to earn a postsecondary education because of the extra assistance they were provided. Jim should feel proud of the role he has played in each of these programs and so much more.

Mr. SPECTER. I would like to add several other accomplishments of Congress for which Jim should feel a great sense of pride. In 2002, Congress completed a doubling of the NIH budget over a 5-year period. Jim's thorough knowledge of the bill and the budget was instrumental in securing the doubling. If there was a way to write bill language that would save money or change a date to free up some cash, Jim knew how to do it.

When Jim started working at the Department of Labor in 1967, the Job Corps program was in its infancy, just 3 years old. Today, it is a $1.6 billion enterprise widely touted for its performance standards and student outcomes, helping more than 60,000 youths each year. After the Quecreek coal mine accident, I held a hearing in Pennsylvania to look into the mine safety issues related to that situation. We have held two mine safety hearings since the Sago and Alma disasters in early 2006. Jim organized and staffed those hearings. What's more, he helped craft legislation that I introduced last year which contributed to the development of the MINER Act. This act passed last year and is now the law of the land. It is the most significant piece of mine safety legislation passed in more than 30 years and its effective implantation will save lives. Jim should feel very good about the work he did to support that legislation, as well as other worker protection programs.

I believe the Senator from Iowa and I could go on for some time on all that Jim Sourwine has meant to the Senate Appropriations Committee, the Senate and the American people. For me, I want him to remember always what the long hours have done for so many. Jim, best wishes to you on your retirement. You will be missed.

Mr. HARKIN. Jim, I understand that the round-the-clock hours and weekend work have made it difficult to catch up on some projects around the house and get on the golf course. While you might prefer one over the other, I hope you know that your long and distinguished service to the Senate has more than earned for you the right to do just that or nothing at all. I will miss you and your sage counsel. The Senate will miss you. I wish you all the best on your retirement and thank you for your service.

ADDITIONAL STATEMENTS

INDIANA WOMEN'S STATE BASKETBALL CHAMPIONS

• Mr. BAYH. Mr. President, I wish today to pay tribute to the Oregon-Davis Women's High School basketball team for their extraordinary State championship victory. The Bobcats historic 54–46 defeat of Wood Memorial for the Class A State Championship was the first statewide championship for the Bobcats and a proud moment for our State.

In reading of their victory, I was reminded of what people say about teamwork: that at the end of the day we are only as strong as the shoulders we lean on. The talent of the Bobcats was apparent throughout their stellar season, but it was their extraordinary teamwork that brought the championship trophy to the O–D gymnasium for the first time in school history. The young women of the Oregon-Davis basketball team are a testament to what student athletes should be, and they should be commended for winning with class, courage, and character.

Two years ago the team lost a dear friend in a tragic automobile accident. Jessica McMullen was the daughter of Tim McMullen, a coach in Florida and a close friend of Terry Minix, the Bobcats' head coach. Jessica, a hard-nosed basketball player, used to help her dad at camps at O–D and was only 16 years old when she died. The day after their championship win, the team was honored in the Oregon-Davis gym, and each team member wore a T-shirt commemorating Jessica's contribution to the Bobcats. At the ceremony, Aubrey Minix, a lead player on the team, spoke about the championship saying, ''It means even more to us because we did want to do it for Jess; it brought us even closer together.''

While the young women on the O–D team put in countless hours practicing

and developing their skills, the parents and coaching staff dedicated just as much time supporting the team. As a father of two young boys who love to play sports, I know how rewarding it can be to watch my sons' games. I also know how dedicated parents must be to drive their kids to practice every day, make it to the games, and cheer the whole game through. It is this kind of dedication that builds a support network worthy of a State championship.

Once the playoffs started, the Bobcats' true character shined even brighter as they never lost faith in themselves and prevailed as a team. Their conduct this season should be an example for all other student athletes to follow. I congratulate the Oregon-Davis Bobcats on their State championship and commend them for the example they set for all student athletes who I hope are inspired by their example.●

CONGRATULATIONS TO STEPHEN JOEL TRACHTENBERG

● Mr. CONRAD. Mr. President, as an alumnus of the George Washington University, GW, I wish to take a few minutes to pay tribute to president Stephen Joel Trachtenberg, who is retiring in July after 19 years of dedicated service to GW.

President Trachtenberg became the 15th president of GW on August 1, 1988. A native of Brooklyn, NY, President Trachtenberg came to GW from the University of Hartford, CT, where he had been president for 11 years. Before assuming the presidency of Hartford, he served for 8 years at Boston University as vice president for academic services and academic dean of the College of Liberal Arts. Previously, he was a special assistant for 2 years to the U.S. Education Commissioner, Department of Health, Education and Welfare. He was also an attorney with the U.S. Atomic Energy Commission and a legislative aide to former Indiana Congressman John Brademas.

President Trachtenberg has shown a strong commitment to public, civic, and personal service. He worked tirelessly to honor and enhance the relationship between the University and the District of Columbia, supporting and mentoring students, and leading and advocating for reinvention, change and civic engagement.

In 1989, President Trachtenberg created the 21st Century DC Scholars Program—now the Stephen Joel Trachtenberg Scholars—which has granted almost 100 full scholarships to students from the DC Public Schools to attend GW. Under his leadership, GW's Multicultural Student Services Center has become a strong center for cultural awareness and celebrations, student development, and diversity training. His dedication to civic service is reflected throughout the University, its faculty, and its students.

GW has experienced great changes and improvements under President Trachtenberg's leadership. During his tenure, the university has seen the number of undergraduate applications triple. Financial aid to students, research funding, and campus infrastructure investment have also significantly increased.

President Trachtenberg has received numerous accolades from across the Nation and abroad for his service, vision, intellect, wit and compassion. His passion and demonstrated commitment to GW and its students, the city of Washington, DC, and the pursuit of lifelong learning are to be commended. I congratulate him on his record of service and outstanding leadership.●

HONORING SENATOR ANITA BOWSER

● Mr. BAYH. Mr. President, today I pay tribute to the life of a distinguished public servant, community leader, and friend, Senator Anita Bowser, who passed away at the age of 86 on March 4. Senator Bowser's dedication to the State of Indiana kept her involved in public service throughout her life, and I know that she will be greatly missed.

Senator Bowser was a good and decent woman who dedicated her life to serving others. From her work as a constitutional scholar to her role as a State representative, her career was filled with acts of conscientious service on behalf of friends, family members, and Hoosiers across Indiana.

In 1980, Senator Bowser retired from teaching political science at Purdue University, North Central, and started her career in the Indiana House of Representatives. In 1992 she was elected to the state senate representing LaPorte and St. Joseph Counties. Throughout her career as an elected official, Senator Bowser addressed issues such as prescription drug assistance, the protection of Indiana's telephone privacy list, support for agricultural development, assistance for victims of sexual assault, and tax amnesty for small businesses.

As Governor of Indiana, I had the privilege of seeing firsthand the difference Senator Bowser's efforts have made in our State. The contributions she made through her leadership and philanthropy touched countless lives, and her dedication and strong will made her a role model for a generation of Hoosiers.

Senator Bowser's many accomplishments include being the first woman to act as house speaker, deputy speaker pro-tempore, in the history of the State. In addition, she received numerous honors based on her public service, including the Louis Ingelhart Award for Freedom of Expression, the Amnesty International Abolitionist of the Year Award, and the Robert Dale Owen Legislator Award from the Indiana Civil Liberties Union. She was also a founding member and the first woman to be hired to teach at Purdue University, North Central, in Westville. A veteran lawmaker, Senator Bowser was widely respected as the conscience of the Indiana State Senate.

Before she died, Senator Bowser was the ranking Democrat on the Senate Pensions and Labor Committee and was a member of the Judiciary Committee, the Corrections, Criminal and Civil Matters Committee, the Ethics Committee, and Education and Career Development Committee. It is a rare person who can make such an impact on so many people over the course of one life. Hoosiers will miss Senator Bowser as a friend, a community leader, and a committed advocate for our State.

It is my sad duty to enter the name of Senator Anita Bowser in the official RECORD of the United States Senate for her service to the State of Indiana.●

TRIBUTE TO WAYNE TIPPETS

● Mr. CRAPO. Mr. President, on March 2, 2007, the Boise Veterans Administration Medical Center bade farewell to its director of 14 years, Wayne Tippets. After a dedicated career with the VA spanning 37 years, Wayne retired with plans to travel and spend time with his family. I also understand that his retirement will likely include golfing.

Wayne served with the VA across the Nation, in places such as Iowa, Tennessee and California, before coming back to Idaho in 1993. He recognizes the importance of honesty, a strong work ethic, and the critical importance of competent, compassionate staff, and volunteers to the hospital's success. Wayne has handled the almost doubling of hospital patients over the past 14 years with a sense of pragmatism and drive to continue a history of responsible service to Idaho's veterans. Under his leadership, the Boise VAMC rebuilt and modernized the medical/surgical ward; constructed a behavioral health center, outpatient care building, and specialty care clinic; opened a larger and modernized emergency room; opened a new building in Twin Falls; opened a new administration building; opened a community-based outpatient clinic in Caldwell; and established a patient care access point in Salmon, ID, offering social worker and telepsychiatry services.

Wayne was instrumental in these and other improvements and expansion of VA patient services throughout his tenure in Idaho. I wish him well in retirement and thank him for his long years of service to our Nation's veterans.●

MESSAGE FROM THE HOUSE

At 3:48 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 429. An act to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the ''Hugh L. Carey United States Courthouse''.

H.R. 430. An act to designate the United States bankruptcy courthouse located at 271 Cadman Plaza East in Brooklyn, New York, as the ''Conrad B. Duberstein United States Bankruptcy Courthouse'' .

H.R. 478. An act to designate the Federal building and United States courthouse located at 101 Barr Street in Lexington, Kentucky, as the ''Scott Reed Federal Building and United States Courthouse'' .

H.R. 1003. An act to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy.

H.R. 1045. An act to designate the Federal building located at 210 Walnut Street in Des Moines, Iowa, as the ''Neal Smith Federal Building''.

The message also announced that pursuant to 2 U.S.C. 2081, the minority leader appoints the following Member of the House of Representatives to the United States Capitol Preservation Commission: Mr. WAMP of Tennessee.

The message further announced that pursuant to 2 U.S.C. 2081, and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the United States Capitol Preservation Commission: Mr. OBEY of Wisconsin and Ms. KAPTUR of Ohio.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 429. An act to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the ''Hugh L. Carey United States Courthouse''; to the Committee on Environment and Public Works.

H.R. 430. To designate the United States bankruptcy courthouse located at 271 Cadman Plaza East in Brooklyn, New York, as the 'Conrad B. Duberstein United States Bankruptcy Courthouse'; to the Committee on Environment and Public Works.

H.R. 478. An act to designate the Federal building and United States courthouse located at 101 Barr Street in Lexington, Kentucky, as the ''Scott Reed Federal Building and United States Courthouse''; to the Committee on Environment and Public Works.

H.R. 1045. An act to designate the Federal building located at 210 Walnut Street in Des Moines, Iowa, as the ''Neal Smith Federal Building''; to the Committee on Environment and Public Works.

The following bill was read, and referred as indicated:

H.R. 399. An act to designate the United States Courthouse to be constructed in Jackson, Mississippi, as the ''R. Jess Brown United States Courthouse''; to the Committee on Environment and Public Works.

MEASURES DISCHARGED

The following measure was discharged from the Committee on the Judiciary, and referred as indicated:

H.R. 399. An act to designate the United States Courthouse to be constructed in Jackson, Mississippi, as the ''R. Jess Brown United States Courthouse''; to the Committee on Environment and Public Works.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 710. To amend the National Organ Transplant Act to provide that criminal penalties do not apply to paired donations of human kidneys, and for other purposes.

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–17. A resolution adopted by the Legislature of the State of Florida relative to urging the Senate to fulfill the requests of the 2005 BRAC Commission by restoring federal funds for military construction; to the Committee on Armed Services.

HOUSE RESOLUTION NO. 6008

Whereas, Kansas communities, state officials and the members of the Kansas Congressional Delegation worked hard and the results of the 2005 Base Realignment and Closure (BRAC) Commission recommendations were the best news for Kansas in years; and

Whereas, these recommendations are resulting in significant increases in personnel and the missions assigned to Fort Riley, Fort Leavenworth, Forbes Air Force Base and McConnell Air Force Base in Kansas; and

Whereas, the military commands, the troops and their families coming to work on those missions are facing a situation with much of the funding support originally contained in the Federal Continuing Resolution, and many of the key projects in Kansas, now at risk; and

Whereas, the Federal Continuing Resolution adopted by the United States House of Representatives currently provides less than half of the request for the 2005 BRAC Commission and is more than $3 Billion short of the amount agreed upon in the FY 2007 Defense Authorization Bill; and

Whereas, Kansas Governor Kathleen Sebelius' Military Council voted on February 7, 2007, to support efforts to restore vital federal military construction funding for Fort Riley, Fort Leavenworth, Forbes Air Force Base and McConnell Air Force Base at this time when these military posts are getting new missions; and

Whereas, projects that are potentially at risk at Fort Riley include a Combat Aviation Brigade complex, which would provide additional housing for troops, headquarters and operations buildings and facilities, hanger expansion and a crash rescue fire station ($152 Million); essential Runway Improvements ($17 Million); Division Headquarters and Sustainment Brigade Headquarters buildings and facilities ($87 Million); a state-of-the-art Battle Command Training Center ($27 Million); and a Health and Dental Clinic ($17.5 Million) and a Child Development Center ($5.7 Million) to serve the thousands of troops and their families moving to Fort Riley; and

Whereas, the project for the Joint Regional Corrections Facility ($68–$95 Million) at Fort Leavenworth is also at risk; and

Whereas, the House of Representatives of the State of Kansas considers the federal funding requested for Fort Riley, Fort Leavenworth, Forbes Air Force Base and McConnell Air Force Base, based on the recommendations of the 2005 BRAC Commission, to be crucially important to the United States of America, as well as to the State of Kansas: Now, therefore, be it

Resolved by the House of Representatives of the State of Kansas: That the House of Representatives of the Legislature of the State of Kansas strongly urges the United States Senate to fulfill the requests of the 2005 BRAC Commission and the United States Military by restoring federal funds for military construction in the Federal Continuing Resolution to the funding levels agreed upon in the FY 2007 Defense Authorization Bill: and be it further

Resolved: That the Secretary of State is directed to send enrolled copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Kansas Congressional Delegation.

POM–18. A resolution adopted by the Legislature of the State of Florida relative to urging Congress to support a National Catastrophe Insurance Program; to the Committee on Finance.

HOUSE MEMORIAL

Whereas, during the 2004 and 2005 hurricane seasons, the State of Florida was devastated by eight hurricanes and four tropical storms, causing approximately $36 billion in estimated gross probable insurance losses, and

Whereas, the hurricanes from the 2004 and 2005 hurricane seasons have produced high winds, coastal storm surges, torrential rainfalls, and flooding resulting in significant damage to Florida and the Gulf Coast states, which has resulted in displacement of policyholders from their dwellings, loss of personal belongings and contents, closing of businesses and financial institutions, and temporary loss of employment and has created numerous health and safety issues within our local communities, and

Whereas, the losses caused by the 2004 and 2005 hurricane seasons have led to dramatic and economically painful increases in property insurance premiums for Florida's citizens and businesses, forcing many to consider relocating outside the state, and

Whereas, in 1992, Hurricane Andrew resulted in approximately $20.8 billion in insured losses and was previously the costliest catastrophe in the United States, but Hurricane Katrina alone left the Gulf Coast states with an estimated loss of approximately $35 billion, and

Whereas, natural disasters continually threaten communities across the United States with extreme weather conditions that pose an immediate danger to the lives, property, and security of the residents of those communities, and

Whereas, the insurance industry, state officials, and consumer groups have been striving to develop solutions to insure mega-catastrophic risks, because hurricanes, earthquakes, tornadoes, typhoons, floods, wildfires, ice storms, and other natural catastrophes continue to affect policyholders across the United States, and

Whereas, on November 16 and 17, 2005, insurance commissioners from Florida, California, Illinois, and New York convened a summit to devise a national catastrophe insurance plan which would more effectively spread Insurance risks and help mitigate the tremendous financial damage survivors contend with following such catastrophes: Now, therefore, be it

Resolved by the Legislature of the State of Florida:

(1) That the Legislature urges the Congress of the United States to support a National Catastrophe Insurance Program. Policyholders require a rational insurance mechanism for responding to the economic losses

resulting from catastrophic events. The risk of catastrophes must be addressed through a public-private partnership involving individuals, private industry, local and state governments, and the Federal Government. A national catastrophe insurance program is necessary to promote personal responsibility among policyholders; support strong building codes, development plans, and other mitigation tools; maximize the risk-bearing capacity of the private markets; and provide quantifiable risk management through the Federal Government. The program should encompass:

(a) Providing consumers with a private market residential insurance program that provides all-perils protection.

(b) Promoting personal responsibility through mitigation; promoting the retrofitting of existing housing stock; providing individuals with the ability to manage their own disaster savings accounts that, similar to health savings accounts, accumulate on a tax-advantaged basis for the purpose of paying for mitigation enhancements and catastrophic losses; and providing personal income tax deductions for mitigation expenses.

(c) Creating tax-deferred insurance company catastrophe reserves to benefit policyholders. These tax-deferred reserves would build up over time and only be eligible to be used to pay for future catastrophic losses.

(d) Enhancing local and state government's role in establishing and maintaining effective building codes, mitigation education, and land use management; promoting state emergency management, preparedness, and response; and creating state or multistate regional catastrophic risk financing mechanisms such as the Florida Hurricane Catastrophe Fund.

(e) Creating a national catastrophe financing mechanism that would provide a quantifiable level of risk management and financing for mega-catastrophes; maximizing the risk-bearing capacity of the private markets; and allowing for aggregate risk pooling of natural disasters funded through sound risk-based premiums paid in correct proportion by all policyholders in the United States.

(2) That the Legislature urges the Congress to participate in a federal/state issues summit in this state to discuss and develop policy positions on current and emerging issues of state importance that are likely to be considered by Congress to build better working relationships in order to mutually accomplish goals of benefit to Floridians.

(3) That the Legislature urges Congress to provide federal tax exemptions for:

(a) Catastrophe premium equalization deductions charged and held by the state in a segregated account for the benefit of insurers for use in the event of a catastrophe.

(b) The Florida Property and Casualty Joint Underwriting Association.

(4) That the Legislature urges Congress to provide a federal income tax deduction for residential property insurance premiums paid by consumers to offset the dramatic cost of property insurance.

(5) That the Legislature urges Congress to support the National Hurricane Research Initiative, which is intended to foster a better understanding of hurricane prediction, intensity, and mitigation on coastal populations, infrastructure, and the natural environment.

Be it further resolved, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

POM–19. A resolution adopted by the Miami-Dade County Board of County Commissioners relative to urging the Legislature of the State of Florida, the Florida Office of Insurance Regulation, and the Citizens Property Insurance Corporation to develop and implement rating systems for homeowners insurance; to the Committee on Banking, Housing, and Urban Affairs.

POM–20. A resolution adopted by the Miami-Dade County Board of County Commissioners relative to urging the Legislature of the State of Florida to prohibit the use of cellular telephones while driving in a school zone at times when reduced speeds are in effect; to the Committee on Commerce, Science, and Transportation.

POM–21. A resolution adopted by the Miami-Dade County Board of County Commissioners relative to urging the Legislature of the State of Florida to pass legislation providing a sales tax rebate or similar benefit related to the construction of a public-owned stadium for a Major League Baseball franchise; to the Committee on Finance.

POM–22. A resolution adopted by the Miami-Dade County Board of County Commissioners relative to urging the Legislature of the State of Florida to acknowledge the crisis that now exists related to Florida jails and mentally ill inmates; to the Committee on Health, Education, Labor, and Pensions.

POM–23. A resolution adopted by the Miami-Dade County Board of County Commissioners relative to urging Congress and the Legislature of the State of Florida to add crimes against the homeless to existing hate crimes statutes; to the Committee on the Judiciary.

POM–24. A resolution adopted by the Miami-Dade County Board of County Commissioners relative to urging Congress to reinstate the Federal Assault Weapons Ban; to the Committee on the Judiciary.

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. DEMINT (for himself and Mr. MARTINEZ):

S. 869. A bill to reform certain provisions of section 404 of the Sarbanes-Oxley Act of 2002, to make compliance with that section more efficient, with the goal of maintaining United States capital market global competitiveness; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ISAKSON:

S. 870. A bill to amend title XVIII of the Social Security Act to provide for the consolidated coverage of home infusion therapy under part B of the Medicare program; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Mr. BUNNING, Mrs. LINCOLN, Ms. SNOWE, Mr. KERRY, Ms. COLLINS, and Mr. WARNER):

S. 871. A bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes; to the Committee on Finance.

By Mrs. LINCOLN (for herself and Mr. COLEMAN):

S. 872. A bill to amend the Internal Revenue Code of 1986 to extend the excise tax provisions and income tax credit for biodiesel; to the Committee on Finance.

By Mr. ROCKEFELLER:

S. 873. A bill to amend the Internal Revenue Code of 1986 to provide a tax incentive to individuals teaching in elementary and secondary schools located in rural or high unemployment areas and to individuals who achieve certification from the National Board for Professional Teaching Standards, and for other purposes; to the Committee on Finance.

By Mr. BURR:

S. 874. A bill to amend title 38, United States Code, to establish a financial assistance program to facilitate the provision of supportive services for very low-income veteran families in permanent housing, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DORGAN (for himself and Mr. CRAIG):

S. 875. A bill to improve energy security of the United States through a 50 percent reduction in the oil intensity of the economy of the United States by 2030 and the prudent expansion of secure oil supplies, to be achieved by raising the fuel efficiency of the vehicular transportation fleet, increasing the availability of alternative fuel sources, fostering responsible oil exploration and production, and improving international arrangements to secure the global oil supply, and for other purposes; to the Committee on Finance.

By Mr. MARTINEZ:

S. 876. A bill to exclude from admission to the United States aliens who have made investments contributing to the enhancement of the ability of Cuba to develop its petroleum resources, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER:

S. 877. A bill to amend the Controlled Substances Act to add human growth hormone to schedule III, to prohibit the sale of prescriptions for controlled substances for illegitimate purposes, and for other purposes; to the Committee on the Judiciary.

By Mr. KOHL (for himself and Mr. SPECTER):

S. 878. A bill to prevent anti-competitive mergers and acquisitions in the oil and gas industry; to the Committee on the Judiciary.

By Mr. KOHL (for himself, Mr. SPECTER, Mr. LEAHY, Mr. GRASSLEY, Mr. FEINGOLD, Ms. SNOWE, Mr. SCHUMER, Mr. COBURN, Mr. DURBIN, Mrs. BOXER, and Mr. LEVIN):

S. 879. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal; to the Committee on the Judiciary.

By Mr. STEVENS (for himself, Mr. BYRD and Mr. INOUYE):

S. 880. A bill to amend the Congressional Accountability Act of 1995 to provide for 8 weeks of paid leave for Senate employees giving birth, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. LINCOLN (for herself and Mr. SMITH):

S. 881. A bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit; to the Committee on Finance.

By Mr. MENENDEZ (for himself, Mr. LAUTENBERG, Ms. MIKULSKI, and Mr. CASEY):

S. 882. A bill to require a pilot program on the facilitation of the transition of members of the Armed Forces to receipt of veterans health care benefits upon completion of military service, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. FEINSTEIN (for herself and Mr. VOINOVICH):

S. 883. A bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself and Mr. COLEMAN):

S. 884. A bill to amend the Public Health Service Act regarding residential treatment

programs for pregnant and parenting women, a program to reduce substance abuse among nonviolent offenders, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ISAKSON:

S. 885. A bill to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of independent pharmacies and health plans and health insurance issuers in the same manner as such laws apply to collective bargaining by labor organizations under the National Labor Relations Act; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself and Mr. LEAHY):

S. 886. A bill to amend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. FEINSTEIN (for herself and Mr. DURBIN):

S. 887. A bill to restore import and entry agricultural inspection functions to the Department of Agriculture; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself, Ms. COLLINS, Mr. KENNEDY, Mr. LAUTENBERG, and Mr. MENENDEZ):

S. Res. 105. A resolution designating September 2007 as ''Campus Fire Safety Month''; to the Committee on the Judiciary.

By Mr. DURBIN (for himself, Mr. ENSIGN, Mr. SCHUMER, Ms. SNOWE, Ms. STABENOW, Mr. COLEMAN, Mrs. BOXER, Mr. SUNUNU, Mr. FEINGOLD, Mr. DODD, Mr. KERRY, Mr. KENNEDY, Mr. LIEBERMAN, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. REED, Mr. ALLARD, Mrs. DOLE, Mr. LAUTENBERG, Mr. BROWN, Ms. KLOBUCHAR, Mr. WHITEHOUSE, and Mr. MENENDEZ):

S. Res. 106. A resolution calling on the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide; to the Committee on Foreign Relations.

By Mr. GRAHAM (for himself and Mr. BROWNBACK):

S. Con. Res. 19. A concurrent resolution expressing the sense of Congress on the nuclear program of Iran; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 5

At the request of Mr. REID, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 5, a bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 26

At the request of Ms. CANTWELL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 26, a bill to amend the Internal Revenue Code of 1986 to establish a program demonstrating multiple approaches to Lifelong Learning Accounts, which are portable, worker-owned savings accounts that can be used by workers to help finance education, training, and apprenticeships and which are intended to supplement both public and employer-provided education and training resources, and for other purposes.

S. 80

At the request of Mr. STEVENS, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 80, a bill to amend title 5, United States Code, to provide for 8 weeks of paid leave for Federal employees giving birth and for other purposes.

S. 93

At the request of Mr. STEVENS, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 93, a bill to authorize NTIA to borrow against anticipated receipts of the Digital Television and Public Safety Fund to initiate migration to a national IP-enabled emergency network capable of receiving and responding to all citizen activated emergency communications.

S. 185

At the request of Mr. LEAHY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 214

At the request of Mr. SALAZAR, his name was added as a cosponsor of S. 214, a bill to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys.

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 214, supra.

S. 223

At the request of Mr. FEINGOLD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 223, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 231

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 231, a bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

S. 294

At the request of Mr. LAUTENBERG, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 294, a bill to reauthorize Amtrak, and for other purposes.

S. 340

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 340, a bill to improve agricultural job opportunities, benefits, and security for aliens in the United States and for other purposes.

S. 469

At the request of Mr. BAUCUS, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 469, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 487

At the request of Mr. LEVIN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 487, a bill to amend the National Organ Transplant Act to clarify that kidney paired donations shall not be considered to involve the transfer of a human organ for valuable consideration.

S. 500

At the request of Mr. SALAZAR, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 500, a bill to establish the Commission to Study the Potential Creation of the National Museum of the American Latino to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino in Washington, DC, and for other purposes.

S. 516

At the request of Mr. PRYOR, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 516, a bill to amend the Internal Revenue Code of 1986 to make permanent the option of including combat pay when computing earned income.

S. 545

At the request of Mr. LOTT, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 545, a bill to improve consumer access to passenger vehicle loss data held by insurers.

S. 597

At the request of Mrs. FEINSTEIN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 597, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 624

At the request of Ms. MIKULSKI, the names of the Senator from Maine (Ms. COLLINS), the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 624, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 644

At the request of Mrs. LINCOLN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 644, a bill to amend title 38, United States Code, to recodify as part of that title certain educational assistance programs for members of the reserve components of the Armed Forces, to

improve such programs, and for other purposes.

S. 667

At the request of Mrs. CLINTON, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 667, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 682

At the request of Mr. KENNEDY, the names of the Senator from Florida (Mr. MARTINEZ), the Senator from North Carolina (Mrs. DOLE) and the Senator from Delaware (Mr. CARPER) 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. 691

At the request of Mr. CONRAD, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 691, a bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare program for beneficiaries with kidney disease, and for other purposes.

S. 713

At the request of Mr. OBAMA, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 713, a bill to ensure dignity in care for members of the Armed Forces recovering from injuries.

S. 731

At the request of Mr. SALAZAR, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 731, a bill to develop a methodology for, and complete, a national assessment of geological storage capacity for carbon dioxide, and for other purposes.

S. 747

At the request of Mr. ISAKSON, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 747, a bill to terminate the Internal Revenue Code of 1986, and for other purposes.

S. 756

At the request of Mr. DODD, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of 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.

S. 761

At the request of Mr. REID, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 761, a bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

S. 803

At the request of Mr. ROCKEFELLER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 803, a bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments.

S. 844

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 844, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S.J. RES. 9

At the request of Mr. SALAZAR, his name was withdrawn as a cosponsor of S.J. Res. 9, a joint resolution to revise United States policy on Iraq.

S. CON. RES. 14

At the request of Ms. SNOWE, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. Con. Res. 14, a concurrent resolution 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER:

S. 873. A bill to amend the Internal Revenue Code of 1986 to provide a tax incentive to individuals teaching in elementary and secondary schools located in rural or high employment areas and to to individuals who achieve certification from the National Board for Professional Teaching Standards, and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, one of the key components to success in our classrooms is a qualified teacher. One of the provisions of the No Child Left Behind Act mandates the hiring of qualified teachers by every school in every district.

But what are the incentives to keep qualified teachers in the classroom? I believe we need more targeted incentives to reward teachers willing to stay in the classroom, especially in rural schools and high poverty schools.

Unfortunately, without our help, America's poor and rural schools may not be able to attract the qualified teachers this legislation mandates and our children deserve. Isolated, struggling and competing against higher paying well-funded school districts for scarce classroom talent, such school faces a shortage of qualified teachers. As pressure to hire qualified teachers increases, this shortage will become a crisis, and children already at a disadvantage in relation to their more affluent and less isolated peers will be the ones who suffer most.

Today, I propose a bill that will help bring dedicated and qualified teaching professionals to West Virginia's and America's poor and rural schools, and help give their students the opportunity to learn and flourish that every child deserves. The Incentives To Educate American Children Act—or ''I Teach'' Act—will provide teachers a refundable tax credit every year they practice their profession in the public schools where they are needed most. And it will give every public school teacher—whichever school they choose—a refundable tax credit for earning certification by the National Board for Professional Teaching Standards. Together, these two tax credits will give economically depressed areas a better ability to recruit and retain skilled teachers.

One-fourth of America's children attend public schools in rural areas, and of the 250 poorest counties in the United States, 244 are rural. West Virginia has rural schools scattered through 36 of its 55 counties, and these schools face real challenges in recruiting and retaining teachers, as well as dealing with other issues related to their rural location.

Attracting teachers to these schools is difficult in large part due to the vast gap between what rural districts are able to offer and the salaries paid by more affluent school districts—as wide as $20,000 a year, according to one study. Disadvantaged schools must overcome similar difficulties. It is often a challenge for these schools to attract and keep qualified teachers. Yet according to the 2001 No Child Left Behind Act, every school must have qualified teachers by the end of the 2005–2006 school year.

My ''I Teach'' Act will reward teachers willing to work in rural or high poverty schools with an annual $1,000 refundable tax credit. If a teacher obtains certification by the National Board for Professional Teaching Standards, they will receive an additional annual $1,000 refundable tax credit.

Every teacher willing to work in underserved schools will earn a tax credit. Every teacher who gets certified will earn a tax credit. Teachers who work in rural or disadvantaged schools and get certified will earn both. Schools that desperately need help attracting teachers will get a boost. And children educated in poor and rural schools will benefit most.

In my State of West Virginia, as in over 30 other States, there is already a State fiscal incentive for teachers who earn national board certification. There are over 55,000 teachers with a national board certificate, and 290 are West Virginia teachers. West Virginia offers our national board teachers a $2500 bonus. My legislation builds upon the West Virginia program; together, they add up to a powerful tax incentive for teachers to remain in the classroom and to use their skills where they are most needed.

I have spent a great deal of time in West Virginia classrooms this year,

and it has become obvious to me that our education agenda suffers greatly from inadequate funding on a number of fronts. That is why I Teach is part of my education agenda. I also want to promote school construction bonds to improve our schools and renovate aging classrooms. For a decade, I have fought for the E-Rate program to provide $2.25 billion in discounts to connect our schools and libraries to modern technology.

Education must be among our top national priorities, essential for every family with a child and vital for our economic and national security. I supported the bold goals and higher standards of the 2001 No Child Left Behind Act, but they won't be met unless our schools have the teachers and resources they need. I am committed to working closely with my Senate colleagues this year to secure as much funding as possible for our children's education.

As important as school construction and technology are in the classroom, neither can replace a qualified and motivated teacher; therefore making it easier for underserved schools to attract the teachers they need remains one of my most important objectives. I hope each of my colleagues will join me in supporting this important legislation which takes a great stride toward providing better education for every child in the United States.

By Mr. DORGAN (for himself and Mr. CRAIG):

S. 875. A bill to improve energ security of the United States through a 50 percent reduction in the oil intensity of the economy of the United States by 2030 and the prudent expansion of secure oil supplies, to be achieved by raising the fuel efficiency of the vehicular transportation fleet, increasing the availability of alternative fuel sources, fostering responsible oil exploration and production, and improving international arrangements to secure the global oil supply, and for other purposes; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I am pleased to be joined by Senator CRAIG to introduce legislation called the Security and Fuel Efficiency Act of 2007 or SAFE Energy Act. This legislation is a balanced plan with the overall goal to improve the energy security of the U.S. through a 50 percent reduction in the oil intensity of the economy by 2030.

What that means, plainly, is that if we used more than 4 barrels of oil in 1973 for every one unit of GDP and are using just over 2 barrels of oil per unit of GDP today, then under the provisions of the SAFE Energy Act we are striving to get down to 1 barrel of oil per GDP by 2030. This is important to me because the United States remains dangerously dependent on foreign sources of oil. Today we import over 60 percent of our oil from Iraq, Kuwait, Saudi Arabia, and other unstable regions of the world. This is very troubling to me.

In the United States, we use about 67 percent of our oil to power our vehicles. This is the area where we are least secure and increasingly dependent. I am proposing along with my colleague, Senator CRAIG, a bipartisan, balanced approach to securing our future energy through reducing our dependence on foreign oil.

Our proposal is grounded in four cornerstone principles. The first principle is achievable, stepped increases in fuel efficiency of the transportation fleet. The second principle promotes increased availability of alternative fuel sources and infrastructure. The third principle calls for expanded production and enhanced exploration of domestic and other secure oil and natural gas resources. Finally, the fourth principle improves the management of alliances to better secure global energy supplies.

Senator CRAIG and I came together on this legislation because we believe that bolder energy security measures must be taken now to address our long-term security, economic growth and environmental protection. Producing much of our energy at home will also address other major challenges.

There is no silver bullet to solving our energy dependence. Digging and drilling is a strategy I call yesterday forever. Conservation alone is not the answer. Renewable fuels hold promise, but we need to do much more here. We believe the combination of steps in the SAFE Energy Act sets the right pathway to U.S. energy security.

I ask unanimous consent that the text of the Security and Fuel Efficiency Energy Act of 2007 be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 875

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Security and Fuel Efficiency Energy Act of 2007'' or the ''SAFE Energy Act of 2007''.

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

Sec. 1. Short title; table of contents.

TITLE I—INCREASED FUEL EFFICIENCY OF THE TRANSPORTATION SECTOR

Sec. 101. Definitions.
Sec. 102. Annual increase in average fuel economy standards.
Sec. 103. Tax credits for alternative motor vehicles and fuel-efficient motor vehicles.
Sec. 104. Advanced technology motor vehicles manufacturing credit.
Sec. 105. Increase in maximum allowable gross weight for vehicles using the National System of Interstate and Defense Highways.

TITLE II—INCREASED USE OF ALTERNATIVE FUELS AND INFRASTRUCTURE

Sec. 201. Renewable fuel standard.
Sec. 202. Modification of credit for alternative fuel vehicle refueling property.
Sec. 203. Ethanol-blend fuel infrastructure.
Sec. 204. Requirement to increase percentage of dual fueled automobiles.
Sec. 205. Emerging biofuels.
Sec. 206. Biodiesel.
Sec. 207. Unconventional fossil fuels.
Sec. 208. Study of incentives for renewable fuels.

TITLE III—DEVELOPMENT AND INVENTORY OF CERTAIN OUTER CONTINENTAL SHELF RESOURCES

Sec. 301. Definition.
Sec. 302. Authorization of activities and exports involving hydrocarbon resources by United States persons.
Sec. 303. Travel in connection with authorized hydrocarbon exploration and extraction activities.
Sec. 304. Moratorium of oil and gas leasing in certain areas of the Gulf of Mexico.
Sec. 305. Inventory of outer Continental Shelf oil and natural gas resources off southeastern coast of the United States.
Sec. 306. Enhanced oil recovery.

TITLE IV—MANAGEMENT OF ENERGY RISKS

Sec. 401. Bureau of International Energy Policy.
Sec. 402. Strategic energy infrastructure equipment reserve.

TITLE I—INCREASED FUEL EFFICIENCY OF THE TRANSPORTATION SECTOR

SEC. 101. DEFINITIONS.

(a) DEFINITION OF AUTOMOBILE.—Section 32901(a)(3) of title 49, United States Code, is amended—

(1) by striking ''4-wheeled''; and

(2) by striking '', and rated at—'' and all that follows and inserting a period.

(b) DEFINITION OF PASSENGER AUTOMOBILE.—Section 32901(a)(16) of such title is amended by striking ''decides by regulation—'' and all that follows through the period and inserting ''determines by regulation, to have a significant feature (except 4-wheel drive) designed for off-highway operation.''.

(c) FUEL ECONOMY INFORMATION.—Section 32908(a) of such title is amended—

(1) in the subsection header, by striking ''DEFINITIONS'' and inserting ''DEFINITION''; and

(2) by striking ''section—'' and all that follows through ''(2)'' and inserting ''section, the term''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2010, and shall apply to automobiles manufactured for model year 2012 and for each subsequent model year.

SEC. 102. ANNUAL INCREASE IN AVERAGE FUEL ECONOMY STANDARDS.

(a) FUEL EFFICIENCY STANDARDS.—

(1) IN GENERAL.—Section 32902 of title 49, United States Code, is amended by striking subsections (a) through (c) and inserting the following:

''(a) IN GENERAL.—Not later than 18 months before the beginning of each model year beginning with model year 2012, the Secretary of Transportation, by regulation, shall prescribe average fuel economy standards for automobiles manufactured by a manufacturer for that model year in accordance with subsection (b). The Secretary of Transportation shall prescribe separate average fuel economy standards for different classes of automobiles. The Secretary shall establish average fuel economy standards for medium-duty trucks that are consistent with the projected benefits of hybridization. In this section, the term 'medium-duty truck' means a truck (as defined in section 30127) with a gross vehicle weight between 10,000 and 26,000 pounds.

''(b) ANNUAL INCREASES IN FUEL ECONOMY STANDARDS.—

''(1) FOR MODEL YEAR 2012.—For model year 2012, the average fuel economy standard for each class of automobiles shall be the average combined highway and city miles per gallon performance of all automobiles within that class of automobiles in 2011 (rounded to the nearest 1/10 mile per gallon).

''(2) FOR MODEL YEARS AFTER MODEL YEAR 2012.—For each model year beginning with model year 2013 and ending with model year 2030, the average fuel economy attained by the fleet of automobiles manufactured or sold in the United States shall be at least 4 percent greater than the average fuel economy standard for the fleet in the previous model year (rounded to the nearest 1/10 mile per gallon).

''(c) AMENDING FUEL ECONOMY STANDARDS.—

''(1) IN GENERAL.—Notwithstanding subsections (a) and (b), the Secretary of Transportation may prescribe an average fuel economy standard for a class of automobiles in a model year that is lower than the standard required under subsection (b) if the Secretary of Transportation, in consultation with the National Academy of Sciences, determines that the average fuel economy standard prescribed in accordance with subsections (a) and (b) for that class of automobiles in that model year—

''(A) is technologically not achievable;

''(B) cannot be achieved without materially reducing the overall safety of automobiles manufactured or sold in the United States and no offsetting safety improvements can be practicably implemented for that model year; or

''(C) is shown not to be cost effective.

''(2) MAXIMUM STANDARD.—Any average fuel economy standard prescribed for a class of automobiles in a model year under paragraph (1) shall be the maximum standard that—

''(A) is technologically achievable;

''(B) can be achieved without materially reducing the overall safety of automobiles manufactured or sold in the United States; and

''(C) is cost effective.

''(3) CONSIDERATIONS IN DETERMINATION OF COST EFFECTIVENESS.—In determining cost effectiveness under paragraph (1)(C), the Secretary of Transportation shall take into account the total value to the United States of reduced petroleum use, including the value of reducing external costs of petroleum use, using a value for such costs equal to 50 percent of the value of 1 gallon of gasoline saved or the amount determined in an analysis of the external costs of petroleum use that considers—

''(A) value to consumers;

''(B) economic security;

''(C) national security;

''(D) foreign policy;

''(E) the impact of oil use—

''(i) on sustained cartel rents paid to foreign suppliers;

''(ii) on long-run potential gross domestic product due to higher normal-market oil price levels, including inflationary impacts;

''(iii) on import costs, wealth transfers, and potential gross domestic product due to increased trade imbalances;

''(iv) on import costs and wealth transfers during oil shocks;

''(v) on macroeconomic dislocation and adjustment costs during oil shocks;

''(vi) on the cost of existing energy security policies, including the management of the Strategic Petroleum Reserve;

''(vii) on the timing and severity of the oil peaking problem;

''(viii) on the risk, probability, size, and duration of oil supply disruptions;

''(ix) on the strategic behavior of the Organization of the Petroleum Exporting Countries and long-run oil pricing;

''(x) on the short term elasticity of energy demand and the magnitude of price increases resulting from a supply shock;

''(xi) on oil imports, military costs, and related security costs, including intelligence, homeland security, sea lane security and infrastructure, and other military activities;

''(xii) on oil imports, diplomatic and foreign policy flexibility, and connections to geopolitical strife, terrorism, and international development activities;

''(xiii) all relevant environmental hazards under the jurisdiction of the Environmental Protection Agency; and

''(xiv) on well-to-wheels urban and local air emissions of pollutants and their uninternalized costs;

''(F) the impact of the oil or energy intensity of the United States economy on the sensitivity of the economy to oil price changes, including the magnitude of gross domestic product losses in response to short term price shocks or long term price increases;

''(G) the impact of United States payments for oil imports on political, economic, and military developments in unstable or unfriendly oil-exporting countries;

''(H) the uninternalized costs of pipeline and storage oil seepage, and for risk of oil spills from production, handling, and transport, and related landscape damage; and

''(I) additional relevant factors, as determined by the Secretary.

''(4) MINIMUM VALUATION.—When considering the value to consumers of a gallon of gasoline saved, the Secretary of Transportation may not use a value less than the greatest of—

''(A) the average national cost of a gallon of gasoline sold in the United States during the 12-month period ending on the date on which the new fuel economy standard is proposed;

''(B) the most recent weekly estimate by the Energy Information Administration of the Department of Energy of the average national cost of a gallon of gasoline (all grades) sold in the United States; or

''(C) the gasoline prices projected by the Energy Information Administration for the 20-year period beginning in the year following the year in which the standards are established.''.

(2) CONFORMING AMENDMENTS.—Title 49, United States Code, is amended—

(A) in section 32902—

(i) in subsection (d) by striking ''subsection (b) or (c) of this section'' and inserting ''subsection (a), (b), or (c)'';

(ii) by striking subsection (f);

(iii) in subsection (g)—

(I) by striking ''subsection (a) or (d)'' and inserting ''this section''; and

(II) by striking ''(and submit the amendment to Congress when required under subsection (c)(2) of this section)''; and

(iv) in subsection (h) by striking ''subsections (c), (f), and (g) of this section'' and inserting ''subsections (c) and (g)'';

(B) in section 32903—

(i) by striking ''section 32902(b)–(d) of this title'' each place it occurs and inserting ''subsections (a) through (d) of section 32902''; and

(ii) in subsection (e), by striking ''section 32902(a) of this title'' and inserting ''subsections (a) through (d) of section 32902''; and

(C) in section 32904—

(i) in subsection (a)—

(I) by striking ''subject to—'' and all that follows through ''(B) section 32902(a)–(d) of this title'' and inserting ''subject to subsections (a) through (d) of section 32902''; and

(II) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively;

(ii) by striking subsection (b); and

(iii) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(b) REPEAL OF CREDIT FOR DUAL FUELED AUTOMOBILES.—

(1) IN GENERAL.—Section 32905 of title 49, United States Code, is amended—

(A) by amending subsection (b) to read as follows:

''(b) DUAL FUELED AUTOMOBILES.—The Administrator of the Environmental Protection Agency shall measure the fuel economy for any model of dual fueled automobile manufactured in model year 2012 and any model year thereafter, in accordance with section 32904.''; and

(B) by amending subsection (d) to read as follows:

''(d) GASEOUS FUEL DUAL FUELED AUTOMOBILES.—The Administrator of the Environmental Protection Agency shall measure the fuel economy for any model of gaseous fuel dual fueled automobile manufactured in model year 2012 and any model year thereafter, in accordance with section 32904.''.

(2) CONFORMING AMENDMENTS.—Such section 32905 is further amended—

(A) by repealing subsection (f); and

(B) redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2010.

SEC. 103. TAX CREDITS FOR ALTERNATIVE MOTOR VEHICLES AND FUEL-EFFICIENT MOTOR VEHICLES.

(a) MODIFICATIONS TO ALTERNATIVE MOTOR VEHICLE CREDIT.—

(1) ELIMINATION OF LIMITATION ON NUMBER OF NEW QUALIFIED HYBRID AND ADVANCED LEAN BURN TECHNOLOGY VEHICLES ELIGIBLE FOR FULL ALTERNATIVE MOTOR VEHICLE TAX CREDIT.—

(A) IN GENERAL.—Section 30B of the Internal Revenue Code of 1986 is amended—

(i) by striking subsection (f); and

(ii) by redesignating subsections (g) through (j), as amended by subsection (a), as subsections (f) through (i), respectively.

(B) CONFORMING AMENDMENTS.—

(i) Paragraphs (4) and (6) of section 30B(g) of such Code, as redesignated by paragraph (1)(B), are each amended by striking ''(determined without regard to subsection (g))'' and inserting ''(determined without regard to subsection (f))''.

(ii) Section 38(b)(25) of such Code is amended by striking ''section 30B(g)(1)'' and inserting ''section 30B(f)(1)''.

(iii) Section 55(c)(2) of such Code is amended by striking ''section 30B(g)(2)'' and inserting ''section 30B(f)(2)''.

(iv) Section 1016(a)(36) of such Code is amended by striking ''section 30B(h)(4)'' and inserting ''section 30B(g)(4)''.

(v) Section 6501(m) of such Code is amended by striking ''section 30B(h)(9)'' and inserting ''section 30B(g)(9)''.

(C) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2005, in taxable years ending after such date.

(2) EXTENSION OF NEW QUALIFIED HYBRID MOTOR VEHICLE CREDIT FOR VEHICLES OVER 8,500 POUNDS.—Paragraph (3) of section 30B(i), as redesignated by subsection (a)(1)(B), is amended by striking''2009'' and inserting ''2011''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to vehicles placed in service after the date of the enactment of this Act.

(b) CREDIT FOR NEW QUALIFIED FUEL-EFFICIENT VEHICLES PRODUCED AFTER 2010.—

(1) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal

Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 30D. NEW QUALIFIED FUEL-EFFICIENT MOTOR VEHICLE CREDIT.

''(a) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the amount determined under subsection (b) with respect to each new qualified fuel-efficient motor vehicle placed in service by the taxpayer during the taxable year.

''(b) CREDIT AMOUNT.—

''(1) FUEL ECONOMY.—

''(A) IN GENERAL.—The credit amount determined under this paragraph shall be determined in accordance with the following table:

In the case of a vehicle which achieves a fuel economy (expressed as a percentage of the 2012 model year average fuel economy standard) of—	The credit amount is—
At least 125 percent but less than 150 percent	$400
At least 150 percent but less than 175 percent	$800
At least 175 percent but less than 200 percent	$1,200
At least 200 percent but less than 225 percent	$1,600
At least 220 percent but less than 250 percent	$2,000
At least 250 percent	$2,400

''(B) 2012 MODEL YEAR AVERAGE FUEL ECONOMY STANDARD.—For purposes of subparagraph (A), the 2012 model year average fuel economy standard with respect to a vehicle shall be the average fuel economy standard (determined on a gasoline gallon equivalent basis) for such model year, as prescribed by the Secretary of Transportation under section 32902 of title 49, United States Code, with respect to the class to which such vehicle belongs.

''(2) CONSERVATION CREDIT.—The amount determined under paragraph (1) with respect to a new qualified fuel-efficient motor vehicle shall be increased by the conservation credit amount determined in accordance with the following table:

In the case of a vehicle which achieves a lifetime fuel savings expressed in gallons of gasoline) of—	The conservation credit amount is—
At least 1,200 but less than 1,800	$250
At least 1,800 but less than 2,400	$500
At least 2,400 but less than 3,000	$750
At least 3,000	$1,000

''(c) NEW QUALIFIED FUEL-EFFICIENT MOTOR VEHICLE.—For purposes of this section, the term 'new qualified fuel-efficient motor vehicle' means a passenger automobile or a light truck—

''(1) described in subsections (c)(3), (d)(3), or (e)(3) of section 30B,

''(2) which has received a certificate of conformity under the Clean Air Act and meets or exceeds the equivalent qualifying California low emission vehicle standard under section 243(e)(2) of the Clean Air Act for that make and model year, and

''(A) in the case of a vehicle having a gross vehicle weight rating of 6,000 pounds or less, the Bin 5 Tier II emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle, and

''(B) in the case of a vehicle having a gross vehicle weight rating of more than 6,000 pounds but not more than 8,500 pounds, the Bin 8 Tier II emission standard which is so established,

''(3) the original use of which commences with the taxpayer after December 31, 2010, and

''(4) which is acquired for use or lease by the taxpayer and not for resale.

''(d) OTHER DEFINITIONS.—For purposes of this section—

''(1) LIFETIME FUEL SAVINGS.—The term 'lifetime fuel savings' means, in the case of any new qualified fuel-efficient motor vehicle, an amount equal to the excess (if any) of—

''(A) 120,000 divided by the 2012 model year average fuel economy standard for the vehicle class, over

''(B) 120,000 divided by the fuel economy for such vehicle.

''(2) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning given such term by section 30(c)(2).

''(3) FUEL ECONOMY.—The fuel economy with respect to any vehicle shall be measured in a manner which is substantially similar to the manner fuel economy is measured in accordance with procedures under part 600 of subchapter Q of chapter I of title 40, Code of Federal Regulations, as in effect on the date of the enactment of this section.

''(4) OTHER TERMS.—The terms 'automobile', ''passenger automobile'', ''medium duty passenger vehicle'', ''light truck'', and 'manufacturer' have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

''(e) SPECIAL RULES.—

''(1) REDUCTION IN BASIS.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed.

''(2) NO DOUBLE BENEFIT.—

''(A) COORDINATION WITH OTHER VEHICLE CREDITS.—No credit shall be allowed under subsection (a) with respect to any new qualified fuel-efficient motor vehicle for any taxable year if a credit is allowed with respect to such motor vehicle for such taxable year under section 30 or 30B.

''(B) OTHER TAX BENEFITS.—The amount of any deduction or credit (other than the credit allowable under this section and any credit described in subparagraph (A)) allowable under this chapter with respect to any new qualified fuel-efficient motor vehicle shall be reduced by the amount of credit allowed under subsection (a) for such motor vehicle for such taxable year.

''(3) PROPERTY USED OUTSIDE THE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

''(4) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects not to have this section apply to such vehicle.

''(f) APPLICATION WITH OTHER CREDITS.—

''(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

''(2) PERSONAL CREDIT.—The credit allowed under subsection (a) (after the application of paragraph (1)) for any taxable year shall not exceed the excess (if any) of—

''(A) the regular tax liability (as defined in section 26(b)) reduced by the sum of the credits allowable under subpart A and sections 27 and 30, over

''(B) the tentative minimum tax for the taxable year.

''(g) REGULATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall promulgate such regulations as necessary to carry out the provisions of this section.

''(2) COORDINATION IN PRESCRIPTION OF CERTAIN REGULATIONS.—The Secretary of the Treasury, in coordination with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall prescribe such regulations as necessary to determine whether a motor vehicle meets the requirements to be eligible for a credit under this section.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1016(a) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', and'', and by adding at the end the following new paragraph:

''(38) to the extent provided in section 30D(e)(1).''.

(B) Section 6501(m) of such Code is amended by inserting ''30D(e)(4),'' after ''30C(e)(5),''.

(C) The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 30D. New qualified fuel-efficient motor vehicle credit.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to vehicles placed in service after December 31, 2010.

SEC. 104. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.), as amended by this Act, is amended by adding at the end the following new section:

"SEC. 30E. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.

''(a) CREDIT ALLOWED.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 35 percent of so much of the qualified investment of an eligible taxpayer for such taxable year as does not exceed $75,000,000.

''(b) QUALIFIED INVESTMENT.—For purposes of this section—

''(1) IN GENERAL.—The qualified investment for any taxable year is equal to the incremental costs incurred during such taxable year—

''(A) to re-equip, expand, or establish any manufacturing facility in the United States of the eligible taxpayer to produce advanced technology motor vehicles or to produce eligible components,

''(B) for engineering integration performed in the United States of such vehicles and components as described in subsection (d),

''(C) for research and development performed in the United States related to advanced technology motor vehicles and eligible components, and

''(D) for employee retraining with respect to the manufacturing of such vehicles or components (determined without regard to wages or salaries of such retrained employees).

''(2) ATTRIBUTION RULES.—In the event a facility of the eligible taxpayer produces both advanced technology motor vehicles and conventional motor vehicles, or eligible and non-eligible components, only the qualified

investment attributable to production of advanced technology motor vehicles and eligible components shall be taken into account.

''(c) ADVANCED TECHNOLOGY MOTOR VEHICLES AND ELIGIBLE COMPONENTS.—For purposes of this section—

''(1) ADVANCED TECHNOLOGY MOTOR VEHICLE.—The term 'advanced technology motor vehicle' means—

''(A) any qualified electric vehicle (as defined in section 30(c)(1)),

''(B) any new qualified fuel cell motor vehicle (as defined in section 30B(b)(3)),

''(C) any new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3)),

''(D) any new qualified hybrid motor vehicle (as defined in section 30B(d)(2)(A) and determined without regard to any gross vehicle weight rating),

''(E) any new qualified alternative fuel motor vehicle (as defined in section 30B(e)(4), including any mixed-fuel vehicle (as defined in section 30B(e)(5)(B)),

''(F) any other motor vehicle using electric drive transportation technology (as defined in paragraph (3)), and

''(G) any new qualified fuel-efficient motor vehicle (as defined in section 30D(c)).

''(2) ELIGIBLE COMPONENTS.—The term 'eligible component' means any component inherent to any advanced technology motor vehicle, including—

''(A) with respect to any gasoline or diesel-electric new qualified hybrid motor vehicle—

''(i) electric motor or generator,

''(ii) power split device,

''(iii) power control unit,

''(iv) power controls,

''(v) integrated starter generator, or

''(vi) battery,

''(B) with respect to any hydraulic new qualified hybrid motor vehicle—

''(i) hydraulic accumulator vessel,

''(ii) hydraulic pump, or

''(iii) hydraulic pump-motor assembly,

''(C) with respect to any new advanced lean burn technology motor vehicle—

''(i) diesel engine,

''(ii) turbocharger,

''(iii) fuel injection system, or

''(iv) after-treatment system, such as a particle filter or NOx absorber, and

''(D) with respect to any advanced technology motor vehicle, any other component submitted for approval by the Secretary.

''(3) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY.—The term 'electric drive transportation technology' means technology used by vehicles that use an electric motor for all or part of their motive power and that may or may not use off-board electricity, such as battery electric vehicles, fuel cell vehicles, engine dominant hybrid electric vehicles, plug-in hybrid electric vehicles, and plug-in hybrid fuel cell vehicles.

''(d) ENGINEERING INTEGRATION COSTS.—For purposes of subsection (b)(1)(B), costs for engineering integration are costs incurred prior to the market introduction of advanced technology vehicles for engineering tasks related to—

''(1) establishing functional, structural, and performance requirements for component and subsystems to meet overall vehicle objectives for a specific application,

''(2) designing interfaces for components and subsystems with mating systems within a specific vehicle application,

''(3) designing cost effective, efficient, and reliable manufacturing processes to produce components and subsystems for a specific vehicle application, and

''(4) validating functionality and performance of components and subsystems for a specific vehicle application.

''(e) ELIGIBLE TAXPAYER.—For purposes of this section, the term 'eligible taxpayer' means any taxpayer if more than 50 percent of its gross receipts for the taxable year is derived from the manufacture of motor vehicles or any component parts of such vehicles.

''(f) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

''(1) the sum of—

''(A) the regular tax liability (as defined in section 26(b)) for such taxable year, plus

''(B) the tax imposed by section 55 for such taxable year and any prior taxable year beginning after 1986 and not taken into account under section 53 for any prior taxable year, over

''(2) the sum of the credits allowable under subpart A and sections 27, 30, and 30B for the taxable year.

''(g) REDUCTION IN BASIS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this paragraph) result from such expenditure shall be reduced by the amount of the credit so allowed.

''(h) NO DOUBLE BENEFIT.—

''(1) COORDINATION WITH OTHER DEDUCTIONS AND CREDITS.—Except as provided in paragraph (2), the amount of any deduction or other credit allowable under this chapter for any cost taken into account in determining the amount of the credit under subsection (a) shall be reduced by the amount of such credit attributable to such cost.

''(2) RESEARCH AND DEVELOPMENT COSTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), any amount described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year shall not be taken into account for purposes of determining the credit under section 41 for such taxable year.

''(B) COSTS TAKEN INTO ACCOUNT IN DETERMINING BASE PERIOD RESEARCH EXPENSES.—Any amounts described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year which are qualified research expenses (within the meaning of section 41(b)) shall be taken into account in determining base period research expenses for purposes of applying section 41 to subsequent taxable years.

''(i) BUSINESS CARRYOVERS ALLOWED.—If the credit allowable under subsection (a) for a taxable year exceeds the limitation under subsection (f) for such taxable year, such excess (to the extent of the credit allowable with respect to property subject to the allowance for depreciation) shall be allowed as a credit carryback and carryforward under rules similar to the rules of section 39.

''(j) SPECIAL RULES.—For purposes of this section, rules similar to the rules of section 179A(e)(4) and paragraphs (1) and (2) of section 41(f) shall apply

''(k) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any property if the taxpayer elects not to have this section apply to such property.

''(l) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.

''(m) TERMINATION.—This section shall not apply to any qualified investment after December 31, 2010.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', and'', and by adding at the end the following new paragraph:

''(38) to the extent provided in section 30E(g).''.

(2) Section 6501(m) of such Code is amended by inserting ''30E(k),'' after ''30C(e)(5),''.

(3) The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 30D the following new item:

''Sec. 30E. Advanced technology motor vehicles manufacturing credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts incurred in taxable years beginning after December 31, 2006.

SEC. 105. INCREASE IN MAXIMUM ALLOWABLE GROSS WEIGHT FOR VEHICLES USING THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS.

(a) SPECIAL RULE FOR VEHICLES WITH A SUPPLEMENTARY SIXTH AXLE.—Not later than 180 days after the Secretary of Transportation makes a positive determination under subsection (d), the Secretary of Transportation shall promulgate regulations, in accordance with section 127(a) of title 23, United States Code, that set the maximum allowable gross weight for a vehicle using the National System of Interstate and Defense Highways at 97,000 pounds for vehicles with a supplementary sixth axle.

(b) CONDITIONS ON REGULATIONS.—The regulations promulgated under subsection (a)—

(1) shall ensure that a loaded tractor trailer with a supplementary sixth axle and a gross weight of not more than 97,000 pounds that is traveling at 60 miles per hour has a stopping distance of not greater than 355 feet; and

(2) shall not require a fundamental alteration of the vehicle architecture that is common for use in the transportation of goods as of the day before the date of the enactment of this Act.

(c) STUDY.—The Secretary of Transportation shall conduct a study that—

(1) analyzes the safety impacts of allowing significantly longer and heavier vehicles to use the National System of Interstate and Defense Highways than are allowed under regulations in effect as of the day before the date of the enactment of this Act; and

(2) considers the potential impact on highway safety of applying lower speed limits on such vehicles than the limits in effect on the day before the date of the enactment of this Act.

(d) DETERMINATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Transportation shall determine whether allowing significantly longer and heavier vehicles to use the National System of Interstate and Defense Highways than are allowed as of the day before the date of the enactment of this Act would have a material impact on highway safety.

TITLE II—INCREASED USE OF ALTERNATIVE FUELS AND INFRASTRUCTURE

SEC. 201. RENEWABLE FUEL STANDARD.

Section 211(o) of the Clean Air Act (42 U.S.C. 7545(o) is amended—

(1) in paragraph (2)(B)—

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

''(i) CALENDAR YEARS 2006 THROUGH 2020.—

''(I) RENEWABLE FUEL.—For the purpose of subparagraph (A), subject to subclause (II), the applicable total volume for any of calendar years 2006 through 2020 shall be determined in accordance with the following table:

Calendar year:	"Applicable total volume of renewable fuel (in billions of gallons):
2006	4.0

Calendar year:	"Applicable total volume of renewable fuel (in billions of gallons):
2007	4.7
2008	7.1
2009	9.5
2010	12.0
2011	12.6
2012	13.2
2013	13.8
2014	14.4
2015	15.0
2016	18.0
2017	21.0
2018	24.0
2019	27.0
2020	30.0

''(II) CELLULOSIC BIOMASS ETHANOL.—For the purpose of paragraph (1), of the total volume of renewable fuel required under subclause (I), the applicable volume for any of calendar years 2012 through 2020 for cellulosic biomass ethanol shall be determined in accordance with the following table:

Calendar year:	"Applicable volume of cellulosic biomass ethanol (in billions of gallons):
2012	0.25
2013	1.0
2014	3.0
2015	5.0
2016	7.0
2017	9.0
2018	11.0
2019	13.0
2020	15.0'';

(B) in clause (ii)—

(i) in the clause heading, by striking ''2013'' and inserting ''2021'';

(ii) by striking ''2013'' and inserting ''2021''; and

(iii) by striking ''2012'' and inserting ''2020'';

(C) in clause (iii), by striking ''thereafter—'' and all that follows through ''(II) the'' and inserting ''thereafter, the'';

(D) in clause (iv)—

(i) by striking ''2013'' and inserting ''2021''; and

(ii) in subclause (II)(bb), by striking ''2012'' and inserting ''2020'';

(2) in paragraph (3)—

(A) in subparagraph (A), by striking ''2011'' and inserting ''2019''; and

(B) in subparagraph (B)(i), by striking ''2012'' and inserting ''2020''; and

(3) in paragraph (6)(A), by striking ''2012'' and inserting ''2020''.

SEC. 202. MODIFICATION OF CREDIT FOR ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.

(a) INCREASE IN CREDIT AMOUNT.—

(1) IN GENERAL.—Subsection (a) of section 30C of the Internal Revenue Code of 1986 (relating to alternative fuel vehicle refueling property credit) is amended by striking ''30 percent'' and inserting ''35 percent''.

(2) FURTHER INCREASE FOR BLENDER PUMPS.—

(A) IN GENERAL.—Section 30C(a) of such Code, as amended by paragraph (1), is amended by inserting ''(40 percent in the case of any qualified alternative fuel vehicle refueling property which is a blender pump)'' after ''property''.

(B) BLENDER PUMP.—Section 30C(c) of such Code is amended by adding at the end the following new paragraph:

''(3) BLENDER PUMP.—The term 'blender pump' means any fuel pump which, with respect to any fuel described in paragraph (1)(A)(i)—

''(A) sources ethanol and gasoline products from separate underground storage tanks,

''(B) incorporates the use of inlet valves from such tanks to enable varying amounts of ethanol and gasoline products to be blended within a chamber in the pump, and

''(C) dispenses the various blends of ethanol and gasoline products through separate hoses.''.

(b) CREDIT ALLOWED FOR BLENDED ETHANOL OTHER THAN E85.—Subparagraph (A) of section 30C(c)(1) of the Internal Revenue Code of 1986 (defining qualified alternative fuel vehicle refueling property) is amended to read as follows:

''(A) at least—

''(i) 11 percent of the volume of which consists of ethanol, or

''(ii) 85 percent of the volume of which consists of one or more of the following: natural gas, compressed natural gas, liquefied natural gas, liquified petroleum gas, or hydrogen, or''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 203. ETHANOL-BLEND FUEL INFRASTRUCTURE.

Section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) is amended by adding at the end the following:

''(11) INSTALLATION OF ETHANOL-BLEND FUEL PUMPS BY COVERED OWNERS AT STATIONS.—

''(A) DEFINITIONS.—In this paragraph:

''(i) COVERED OWNER.—The term 'covered owner' means any person that, individually or together with any other person with respect to which the person has an affiliate relationship or significant ownership interest, owns 10 or more retail station outlets, as determined by the Secretary.

''(ii) ETHANOL-BLEND FUEL.—The term 'ethanol-blend fuel' means a blend of gasoline not more than 85 percent, nor less than 80 percent, of the content of which is derived from ethanol produced in the United States, as defined by the Secretary in a manner consistent with applicable standards of the American Society for Testing and Materials.

''(iii) SECRETARY.—The term 'Secretary' means the Secretary of Energy, acting in consultation with the Administrator and the Secretary of Agriculture.

''(B) ASSESSMENT.—Not later than 5 years after the date of enactment of this paragraph, the Secretary shall make an assessment of the progress made toward the creation of adequate infrastructure for the production and distribution of ethanol-blend fuel (including the creation of adequate qualified alternative fuel vehicle refueling property that is a blender pump).

''(C) REGULATIONS.—If the Secretary determines (in the assessment made under subparagraph (B)) that adequate progress has not been made toward the creation of adequate infrastructure for the production and distribution of ethanol-blend fuel, the Secretary shall promulgate regulations to ensure, to the maximum extent practicable, that each covered owner installs or otherwise makes available 1 or more pumps that dispense ethanol-blend fuel (including any other equipment necessary, such as tanks, to ensure that the pumps function properly) at not less than the applicable percentage of the retail station outlets of the covered owner specified in subparagraph (D).

''(D) APPLICABLE PERCENTAGES.—For the purpose of subparagraph (C), the applicable percentage of the retail station outlets shall be—

''(i) during the 10-year period beginning on the date of any determination made under subparagraph (C), 10 percent; and

''(ii) after the 10-year period described in clause (i), 20 percent.

''(E) FINANCIAL RESPONSIBILITY.—In promulgating regulations under subparagraph (C), the Secretary shall ensure that each covered owner described in that subparagraph assumes full financial responsibility for the costs of installing or otherwise making available the pumps described in that subparagraph and any other equipment necessary (including tanks) to ensure that the pumps function properly.

''(F) PRODUCTION CREDITS FOR EXCEEDING ETHANOL-BLEND FUEL PUMPS INSTALLATION REQUIREMENT.—

''(i) EARNING AND PERIOD FOR APPLYING CREDITS.—If the percentage of the retail station outlets of a covered owner at which the covered owner installs ethanol-blend fuel pumps in a particular calendar year exceeds the percentage required under subparagraph (D), the covered owner shall earn credits under this paragraph, which may be applied to any of the 3 consecutive calendar years immediately after the calendar year for which the credits are earned.

''(ii) TRADING CREDITS.—A covered owner that has earned credits under clause (i) may sell credits to another covered owner to enable the purchaser to meet the requirement under subparagraph (D).''.

SEC. 204. REQUIREMENT TO INCREASE PERCENTAGE OF DUAL FUELED AUTOMOBILES.

(a) IN GENERAL.—Section 32902 of title 49, United States Code, is amended by inserting after subsection (e) the following:

''(f) REQUIREMENT FOR ANNUAL INCREASE IN DUEL FUELED AUTOMOBILES.—Each manufacturer shall ensure that the percentage of automobiles manufactured by such manufacturer in each of model years 2012 through 2022 that are dual fueled automobiles is not less than 10 percentage points greater than the percentage of automobiles manufactured by such manufacturer in the previous model year that are dual fueled automobiles.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date specified in section 102(c).

SEC. 205. EMERGING BIOFUELS.

(a) ESTABLISHMENT OF INCENTIVE PROGRAM.—The Secretary of Energy (referred to in this section as the ''Secretary'') shall establish a program under which the Secretary shall provide to eligible entities such incentives (including grants, tax credits, loans, and loan guarantees) as the Secretary determines to be appropriate for the production of cellulosic ethanol and other emerging biofuels derived from renewable sources (including municipal solid waste).

(b) APPLICATION.—To be eligible to receive an incentive under this section, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

(1) a description of the project for which the incentive will be used;

(2) a description of the use by the eligible entity of the incentive; and

(3) an estimate of the annual production using the incentive by the eligible entity of cellulosic ethanol or another biofuel, expressed on a per-gallon basis.

(c) SELECTION REQUIREMENTS.—

(1) MINIMUM NUMBER OF INCENTIVES.—The Secretary shall provide incentives under this section to not less than 6 biorefineries located in different regions of the United States.

(2) LEAST-COST INCENTIVES.—The Secretary shall provide incentives under this section only to eligible entities the applications of which reflect the least-cost use of the incentives, on a per-gallon basis, with respect to similar projects.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000,000.

SEC. 206. BIODIESEL.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to Congress a report on any research and development challenges inherent in increasing to 5 percent the proportion of diesel fuel sold in the United States that is biodiesel, as defined in section 757 of the Energy Policy Act of 2005 (42 U.S.C. 16105).

(b) REGULATIONS.—The Administrator of the Environmental Protection Agency shall promulgate regulations providing for the uniform labeling of biodiesel blends that are certified to meet applicable standards published by the American Society for Testing and Materials.

SEC. 207. UNCONVENTIONAL FOSSIL FUELS.

(a) IN GENERAL.—The Secretary of Energy shall carry out a 10-year carbon capture research and development program to develop carbon dioxide capture technologies that can be used in the recovery of liquid fuels from oil shale and the production of liquid fuels in coal utilization facilities to minimize the emissions of carbon dioxide from those processes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $50,000,000 for the period of fiscal years 2008 through 2012; and

(2) $100,000,000 for the period of fiscal years 2013 through 2017.

SEC. 208. STUDY OF INCENTIVES FOR RENEWABLE FUELS.

(a) STUDY.—The Secretary of Agriculture (in consultation with the Secretary of Energy, the Secretary of the Treasury, the Administrator of the Environmental Protection Agency, representatives of the biofuels industry, the oil industry, and other interested parties) shall conduct a study of the renewable fuels industry and markets in the United States, including—

(1) the costs to produce corn-based and cellulosic-based ethanol and biobutanol, biodiesel, and other emerging biofuels;

(2) the factors affecting the future market prices for those biofuels, including world oil prices; and

(3) the level of tax incentives necessary, to the maximum extent practicable, to grow the biofuels industry of the United States to reduce the dependence of the United States on foreign oil during calendar years 2011 through 2030.

(b) GOALS.—The study shall include an analysis of the types and advantages and disadvantages of tax incentive options to, to the maximum extent practicable—

(1) limit the overall cost of the tax incentives to the Federal Government;

(2) encourage expansion of the biofuels industry by ensuring that new plants and recently-built plants can fully amortize the investments in the plants;

(3) reward energy-efficient and low carbon-emitting technologies;

(4) ensure that pioneering processes (such as those that convert cellulosic feedstocks like corn stover and switch grass to ethanol) are economically competitive with fossil fuels;

(5) encourage agricultural producer equity participation in ethanol plants; and

(6) encourage the development of higher blend markets, such as E-20, E30, and E-85.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall submit a report that describes the results of the study to—

(1) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(2) the Committee on Energy and Natural Resources of the Senate;

(3) the Committee on Environment and Public Works of the Senate;

(4) the Committee on Finance of the Senate;

(5) the Committee on Agriculture of the House of Representatives;

(6) the Committee on Energy and Commerce of the House of Representatives; and

(7) the Committee on Ways and Means of the House of Representatives.

TITLE III—DEVELOPMENT AND INVENTORY OF CERTAIN OUTER CONTINENTAL SHELF RESOURCES

SEC. 301. DEFINITION.

In this title, the term ''United States person'' means—

(1) any United States citizen or alien lawfully admitted for permanent residence in the United States; and

(2) any person other than an individual, if 1 or more individuals described in paragraph (1) own or control at least 51 percent of the securities or other equity interest in the person.

SEC. 302. AUTHORIZATION OF ACTIVITIES AND EXPORTS INVOLVING HYDROCARBON RESOURCES BY UNITED STATES PERSONS.

Notwithstanding any other provision of law (including a regulation), United States persons (including agents and affiliates of those United States persons) may—

(1) engage in any transaction necessary for the exploration for and extraction of hydrocarbon resources from any portion of any foreign exclusive economic zone that is contiguous to the exclusive economic zone of the United States; and

(2) export without license authority all equipment necessary for the exploration for or extraction of hydrocarbon resources described in paragraph (1).

SEC. 303. TRAVEL IN CONNECTION WITH AUTHORIZED HYDROCARBON EXPLORATION AND EXTRACTION ACTIVITIES.

Section 910 of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7209) is amended by inserting after subsection (b) the following:

''(c) GENERAL LICENSE AUTHORITY FOR TRAVEL-RELATED EXPENDITURES BY PERSONS ENGAGING IN HYDROCARBON EXPLORATION AND EXTRACTION ACTIVITIES.—

''(1) IN GENERAL.—The Secretary of the Treasury shall, authorize under a general license the travel-related transactions listed in section 515.560(c) of title 31, Code of Federal Regulations, for travel to, from or within Cuba in connection with exploration for and the extraction of hydrocarbon resources in any part of a foreign maritime Exclusive Economic Zone that is contiguous to the United States' Exclusive Economic Zone.

''(2) PERSONS AUTHORIZED.—Persons authorized to travel to Cuba under this section include full-time employees, executives, agents, and consultants of oil and gas producers, distributors, and shippers.''.

SEC. 304. MORATORIUM OF OIL AND GAS LEASING IN CERTAIN AREAS OF THE GULF OF MEXICO.

(a) IN GENERAL.—Section 104(a) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) is amended—

(1) by striking paragraph (1);

(2) in paragraph (2), by striking ''125 miles'' and inserting ''45 miles'';

(3) in paragraph (3), by striking ''100 miles'' each place it appears and inserting ''45 miles''; and

(4) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(b) REGULATIONS.—

(1) IN GENERAL.—The Secretary of the Interior shall promulgate regulations that establish appropriate environmental safeguards for the exploration and production of oil and natural gas on the outer Continental Shelf.

(2) MINIMUM REQUIREMENTS.—At a minimum, the regulations shall include—

(A) provisions requiring surety bonds of sufficient value to ensure the mitigation of any foreseeable incident;

(B) provisions assigning liability to the leaseholder in the event of an incident causing damage or loss, regardless of the negligence of the leaseholder or lack of negligence;

(C) provisions no less stringent than those contained in the Spill Prevention, Control, and Countermeasure regulations promulgated under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.);

(D) provisions ensuring that—

(i) no facility for the exploration or production of resources is visible to the unassisted eye from any shore of any coastal State; and

(ii) the impact of offshore production facilities on coastal vistas is otherwise mitigated;

(E) provisions to ensure, to the maximum extent practicable, that exploration and production activities will result in no significant adverse effect on fish or wildlife (including habitat), subsistence resources, or the environment; and

(F) provisions that will impose seasonal limitations on activity to protect breeding, spawning, and wildlife migration patterns.

(c) CONFORMING AMENDMENT.—Section 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54; 119 Stat. 521) (as amended by section 103(d) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432)) is amended by inserting ''and any other area that the Secretary of the Interior may offer for leasing, preleasing, or any related activity under section 104 of that Act'' after ''2006)''.

SEC. 305. INVENTORY OF OUTER CONTINENTAL SHELF OIL AND NATURAL GAS RESOURCES OFF SOUTHEASTERN COAST OF THE UNITED STATES.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary'') may conduct an inventory of oil and natural gas resources beneath the waters of the outer Continental Shelf (as defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)) off of the coast of the States of Virginia, North Carolina, South Carolina, or Georgia in accordance with this section.

(b) BEST AVAILABLE TECHNOLOGY.—In conducting the inventory, the Secretary shall use the best technology available to obtain accurate resource estimates.

(c) REQUEST BY GOVERNOR.—The Secretary may conduct an inventory under this section off the coast of a State described in subsection (a) only if the Governor of the State requests the inventory.

(d) REPORTS.—The Secretary shall submit to Congress and the requesting Governor a report on any inventory conducted under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 306. ENHANCED OIL RECOVERY.

Section 354(c)(4)(B) of the Energy Policy Act of 2005 (42 U.S.C. 15910(c)(4)(B)) is amended—

(1) in clause (iii), by striking ''and'' at the end;

(2) in clause (iv), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(v) are carried out in geologically challenging fields.''.

TITLE IV—MANAGEMENT OF ENERGY RISKS

SEC. 401. BUREAU OF INTERNATIONAL ENERGY POLICY.

Section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended by adding at the end the following:

(1) by redesignating subsection (i) (as added by section 301 of Public Law 105–292 (112 Stat. 2800)) as subsection (k); and

(2) by adding at the end the following:

''(l) BUREAU OF INTERNATIONAL ENERGY POLICY.—

''(1) ESTABLISHMENT.—There is established within the National Security Council a Bureau of International Energy.

''(2) DUTIES.—The Bureau shall, in conjunction with the Secretary of Defense, the Secretary of State, and the Secretary of Energy, prepare and submit to Congress an annual energy security report.''.

SEC. 402. STRATEGIC ENERGY INFRASTRUCTURE EQUIPMENT RESERVE.

(a) ESTABLISHMENT.—The Secretary may establish and operate a strategic energy infrastructure equipment reserve.

(b) USE.—The reserve shall be used and operated for—

(1) the protection, conservation, maintenance, and testing of strategic energy infrastructure equipment; and

(2) the provision of strategic energy infrastructure equipment whenever and to the extent that—

(A) the Secretary, with the approval of the President, finds that the equipment is needed for energy security purposes; and

(B) the provision of the equipment is authorized by a joint resolution of Congress.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

By Mr KOHL (for himself and Mr. SPECTER):

S. 878. A bill to prevent anti-competitive mergers and acquisitions in the oil and gas industry; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the Oil Industry Merger Antitrust Enforcement Act. This legislation will significantly strengthen the antitrust laws to prevent anti-competitive mergers and acquisitions in the oil and gas industry.

We have all seen the suffering felt by consumers and our national economy resulting from rising energy prices. Last year, gasoline prices shattered the once unthinkable $3.00 a gallon level, before receding in the fall. Prices are on the move upward once again, having increased by 15 percent in the last month alone. And prices for other crucial energy products—such as natural gas and home heating oil—have undergone similar sharp increases in the last year.

Industry experts debate the causes of these extraordinarily high prices. Possible culprits are growing worldwide demand, supply disruptions, the actions of the OPEC oil cartel and limits on refinery capacity in the United States. But we cannot overlook one important factor—the substantial rise in concentration and consolidation in the oil industry. Since 1990, the Government Accountability Office has counted over 2,600 mergers, acquisitions and joint ventures in the oil industry. Led by gigantic mergers such as Exxon/Mobil, BP/Arco, Conoco/Phillips and Chevron/Texaco, by 2004, the five largest U.S. oil refining companies controlled over 56 percent of domestic refining capacity, a greater market share than that controlled by the top ten companies a decade earlier.

This merger wave has led to substantially less competition in the oil industry. In 2004, the GAO concluded that these mergers have directly caused increases in the price of gasoline. A study by the independent consumer watchdog Public Citizen found that in the five years between 1999 and 2004, U.S. oil refiners increased their average profits on every gallon of gasoline refined from 22.8 cents to 40.8 cents, a 79 percent jump. And the grossly inflated profit numbers of the major oil companies—led by Exxon Mobil's $8.4 billion profit in the first quarter of 2006, which followed its $36 billion profit in 2005, the highest corporate profits ever achieved in U.S. history, are conclusive evidence—if any more was needed—of the lack of competition in the U.S. oil industry. While it is true that the world price of crude oil has substantially increased, the fact that the oil companies can so easily pass along all of these price increases to consumers of gasoline and other refined products—and greatly compound their profits along the way—confirms that that there is a failure of competition in our oil and gas markets.

More than 90 years ago, one of our Nation's basic antitrust laws—the Clayton Act—was written to prevent just such industry concentration harming competition. It makes illegal any merger or acquisition the effect of which ''may be substantially to lessen competition.'' Despite the plain command of this law, the Federal Trade Commission the Federal agency with responsibility for enforcing antitrust law in the oil and gas industry has failed to take any effective action to prevent undue concentration in this industry. Instead, it permitted almost all of these 2,600 oil mergers and acquisitions to proceed without challenge. And where the FTC has ordered divestitures, they have been wholly ineffective to restore competition. Consumers have been at the mercy of an increasingly powerful oligopoly of a few giant oil companies, passing along price increases without remorse as the market becomes increasingly concentrated and competition diminishes. It is past time for us in Congress to take action to strengthen our antitrust law so that it will, as intended, stand as a bulwark to protect consumers and prevent any further loss of competition in this essential industry.

Our bill will strengthen merger enforcement under the antitrust law in two respects. First, it will direct that the FTC, in conjunction with the Justice Department, revise its Merger Guidelines to take into account the special conditions prevailing in the oil industry. In reviewing a pending merger or acquisition to determine whether to approve it or take legal action to block it, the FTC follows what are known as ''Merger Guidelines.'' The Merger Guidelines set forth the factors that the agency must examine to determine if a merger or acquisition lessens competition, and sets forth the legal tests the FTC is to follow in deciding whether to approve or challenge a merger. As presently written, the Merger Guidelines fail to direct the FTC, when reviewing an oil industry merger, to pay any heed at all to the special economic conditions prevailing in that industry.

Our bill will correct this deficiency. Many special conditions prevail in the oil and gas marketplace that warrant scrutiny, conditions that do not occur in other industries, and the Merger Guidelines should reflect these conditions. In most industries, when demand rises and existing producers earn ever-increasing profits, new producers enter the market and new supply expands, reducing the pressure on price. However, in the oil industry, there are severe limitations on supply and environmental and regulatory difficulty in opening new refineries, so this normal market mechanism cannot work. Additionally, in most industries, consumers shift to alternative products in the face of sharp price increases, leading to a reduction in demand and a corresponding reduction in the pressure to increase prices. But for such an essential commodity as gasoline, consumers have no such option they must continue to consume gasoline to get to work, to go to school, and to shop. These factors all mean that antitrust enforcers should be especially cautious about permitting increases in concentration in the oil industry.

Accordingly, our bill directs the FTC and Justice Department to revise their Merger Guidelines to take into account the special conditions prevailing in the oil industry—including the high inelasticity of demand for oil and petroleum-related products; the ease of gaining market power; supply and refining capacity limits; difficulties of market entry; and unique regulatory requirements applying to the oil industry. This revision of the Merger Guidelines must be completed within six months of enactment of this legislation.

The second manner in which this legislation will strengthen antitrust enforcement will be to shift the burden of proof in Clayton Act challenges to oil industry mergers and acquisitions. In such cases, the burden will be placed on the merging parties to establish, by a preponderance of evidence, that their transaction does not substantially lessen competition. This provision would reverse the usual rule that the government or private plaintiff challenging the merger must prove that the transaction harms competition. As the parties seeking to effect a merger with a competitor in an already concentrated industry, and possessing all the relevant data regarding the transaction,

it is entirely appropriate that the merging parties bear this burden. This provision does not forbid all mergers in the oil industry—if the merging parties can establish that their merger does not substantially harm competition, it may proceed. However, shifting the burden of proof in this manner will undoubtedly make it more difficult for oil mergers and acquisition to survive court challenge, thereby enhancing the law's ability to block truly anti-competitive transactions and deterring companies from even attempting such transactions. In today's concentrated oil industry and with consumers suffering record high prices, mergers and acquisitions that even the merging parties cannot justify should not be tolerated.

As Chairman of the Senate Antitrust Subcommittee, I believe that this bill is a crucial step to ending this unprecedented move towards industry concentration and to begin to restore competitive balance to the oil and gas industry.

Since the days of the break-up of the Standard Oil trust one hundred years ago, antitrust enforcement has been essential to prevent undue concentration in this industry. This bill is an essential step to ensure that our antitrust laws are sufficiently strong to ensure a competitive oil industry in the 21st century. I urge my colleagues to support the Oil Industry Merger Antitrust Enforcement Act.

I 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:

S. 878

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 ''Oil Industry Merger Antitrust Enforcement Act''.

SEC. 2. STATEMENT OF FINDINGS AND DECLARATIONS OF PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) American consumers are suffering from excessively high prices for gasoline, natural gas, heating oil, and other energy products.

(2) These excessively high energy prices have been caused, at least in substantial part, by undue concentration among companies involved in the production, refining, distribution, and retail sale of oil, gasoline, natural gas, heating oil, and other petroleum-related products.

(3) There has been a sharp consolidation caused by mergers and acquisitions among oil companies over the last decade, and the antitrust enforcement agencies (the Federal Trade Commission and the Department of Justice Antitrust Division) have failed to employ the antitrust laws to prevent this consolidation, to the detriment of consumers and competition. This consolidation has caused substantial injury to competition and has enabled the remaining oil companies to gain market power over the sale, refining, and distribution of petroleum-related products.

(4) The demand for oil, gasoline, and other petroleum-based products is highly inelastic so that oil companies can easily utilize market power to raise prices.

(5) Maintaining competitive markets for oil, gasoline, natural gas, and other petroleum-related products is in the highest national interest.

(b) PURPOSES.—The purposes of this Act are to—

(1) ensure vigorous enforcement of the antitrust laws in the oil industry;

(2) restore competition to the oil industry and to the production, refining, distribution, and marketing of gasoline and other petroleum-related products; and

(3) prevent the accumulation and exercise of market power by oil companies.

SEC. 3. BURDEN OF PROOF.

Section 7 of the Clayton Act (15 U.S.C. 18) is amended by adding at the end the following:

''In any civil action brought against any person for violating this section in which the plaintiff—

''(1) alleges that the effect of a merger, acquisition, or other transaction affecting commerce may be to substantially lessen competition, or to tend to create a monopoly, in the business of exploring for, producing, refining, or otherwise processing, storing, marketing, selling, or otherwise making available petroleum, oil, or natural gas, or products derived from petroleum, oil, or natural gas; and

''(2) establishes that a merger, acquisition, or transaction is between or involves persons competing in the business of exploring for, producing, refining, or otherwise processing, storing, marketing, selling, or otherwise making available petroleum, oil, or natural gas, or products derived from petroleum, oil, or natural gas;

the burden of proof shall be on the defendant or defendants to establish by a preponderance of the evidence that the merger, acquisition, or transaction at issue will not substantially lessen competition or tend to create a monopoly.''.

SEC. 4. ENSURING FULL AND FREE COMPETITION.

(a) REVIEW.—The Federal Trade Commission and the Antitrust Division of the Department of Justice shall jointly review and revise all enforcement guidelines and policies, including the Horizontal Merger Guidelines issued April 2, 1992 and revised April 8, 1997, and the Non-Horizontal Merger Guidelines issued June 14, 1984, and modify those guidelines in order to—

(1) specifically address mergers and acquisitions in oil companies and among companies involved in the production, refining, distribution, or marketing of oil, gasoline, natural gas, heating oil, or other petroleum-related products; and

(2) ensure that the application of these guidelines will prevent any merger and acquisition in the oil industry, when the effect of such a merger or acquisition may be to substantially lessen competition, or to tend to create a monopoly, and reflect the special conditions prevailing in the oil industry described in subsection (b).

(b) SPECIAL CONDITIONS.—The guidelines described in subsection (a) shall be revised to take into account the special conditions prevailing in the oil industry, including—

(1) the high inelasticity of demand for oil and petroleum-related products;

(2) the ease of gaining market power in the oil industry;

(3) supply and refining capacity limits in the oil industry;

(4) difficulties of market entry in the oil industry; and

(5) unique regulatory requirements applying to the oil industry.

(c) COMPETITION.—The review and revision of the enforcement guidelines required by this section shall be completed not later than 6 months after the date of enactment of this Act.

(d) REPORT.—Not later than 6 months after the date of enactment of this Act, the Federal Trade Commission and the Antitrust Division of the Department of Justice shall jointly report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives regarding the review and revision of the enforcement guidelines mandated by this section.

SEC. 5. DEFINITIONS.

In this Act:

(1) OIL INDUSTRY.—The term ''oil industry'' means companies and persons involved in the production, refining, distribution, or marketing of oil or petroleum-based products.

(2) PETROLEUM-BASED PRODUCT.—The term ''petroleum-based product'' means gasoline, diesel fuel, jet fuel, home heating oil, natural gas, or other products derived from the refining of oil or petroleum.

By Mr. KOHL (for himself, Mr. SPECTER, Mr. LEAHY, Mr. GRASSLEY, Mr. FEINGOLD, Ms. SNOWE, Mr. SCHUMER, Mr. COBURN, Mr. DURBIN, Mrs. BOXER, and Mr. LEVIN):

S. 879. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the No Oil Producing and Exporting Cartels Act of 2007 (''NOPEC''). It is time for the U.S. government to fight back on the price of oil and hold OPEC accountable when it acts illegally. This bill will hold OPEC member nations to account under U.S. antitrust law when they agree to limit supply or fix price in violation of the most basic principles of free competition.

Our bill will authorize the Attorney General to file suit against nations or other entities that participate in a conspiracy to limit the supply, or fix the price, of oil. In addition, it will expressly specify that the doctrines of sovereign immunity and act of state do not exempt nations that participate in oil cartels from basic antitrust law. I have introduced this bill in each Congress since 2000. This legislation has passed the Judiciary Committee unanimously three times since it was first introduced, and in 2005 passed the full Senate by voice vote as an amendment to the Energy Bill before being stripped from that bill in the conference committee. It is now time, in this new Congress, to finally pass this legislation into law and give our Nation a long needed tool to counteract this pernicious and anti-consumer conspiracy.

Throughout the last year, consumers all across the Nation watched gas prices rise to previously unimagined levels. As crude oil prices exceeded $40, then $50 and then $60 per barrel, retail prices of gasoline over $3.00 per gallon became commonplace. While prices temporarily receded last fall, the general trend is significantly upwards, and prices are rising even today. Gas prices have increased 32 cents in the last month alone to a national average of

$2.56 per gallon, a nearly 15 percent increase in just one month.

As we consider gas price changes, one fact has remained consistent any move downwards in price ends as soon as OPEC decides to cut production. Referring to the 18 percent rise in worldwide crude oil prices since the start of the year, OPEC President Mohammed al-Hamli commented ''we had a bad situation at the beginning of the year. It is much better now.'' The difference—combined output cuts of 1.7 million barrels of oil a day adopted by OPEC last October and December driving up crude oil prices. And while OPEC enjoys its newfound riches, the average American consumer suffers every time he or she visits the gas pump or pays a home heating bill.

So there is no doubt that the price of crude oil dances to the tune set by OPEC members. Such blatantly anti-competitive conduct by the oil cartel violates the most basic principles of fair competition and free markets and should not be tolerated.

Real people suffer real consequences every day in our Nation because of OPEC's actions. Rising gas prices are a silent tax that takes hard-earned money away from Americans every time they visit the gas pump. Higher oil prices drive up the cost of transportation, harming thousands of companies throughout the economy from trucking to aviation. And those costs are passed on to consumers in the form of higher prices for manufactured goods. Higher oil prices mean higher heating oil and electricity costs. Anyone who has gone through a Midwest winter can tell you about the tremendous personal costs associated with higher home heating bills.

We have all heard many explanations offered for rising energy prices. Some say that the oil companies are gouging consumers. Some blame disruptions in supply. Others point to the EPA requirement mandating use of a new and more expensive type of ''reformulated'' gas in the Midwest or other ''boutique'' fuels around the country. Some even claim that refiners and distributors have illegally fixed prices. On this issue, I have repeatedly asked the Federal Trade Commission to investigate these allegations. As a result of our requests, the FTC has put a task force in place to find out if those allegations were true. While we continue to urge the FTC to be vigilant, the FTC has to date found no evidence of illegal domestic price fixing as a cause of higher gas prices.

But one cause of these escalating prices is indisputable: the price fixing conspiracy of the OPEC nations. For years, this conspiracy has unfairly driven up the cost of imported crude oil to satisfy the greed of the oil exporters. We have long decried OPEC, but, sadly, no one in government has yet tried to take any action. Our bill will, for the first time, establish clearly and plainly that when a group of competing oil producers like the OPEC nations act together to restrict supply or set prices, they are violating U.S. law. The bill will not authorize private lawsuits, but it will authorize the Attorney General to file suit under the antitrust laws for redress. Our bill will also make plain that the nations of OPEC cannot hide behind the doctrines of ''sovereign immunity'' or ''act of state'' to escape the reach of American justice. In so doing, our bill will overrule one twenty-year old lower court decision which incorrectly failed to recognize that the actions of OPEC member nations was commercial activity exempt from the protections of sovereign immunity.

The most fundamental principle of a free market is that competitors cannot be permitted to conspire to limit supply or fix price. There can be no free market without this foundation. And we should not permit any nation to flout this fundamental principle.

Some critics of this legislation have argued that suing OPEC will not work or that threatening suit will hurt more than help. I disagree. Our NOPEC legislation will, for the first time, enable our Justice Department to take legal action to combat the illegitimate price-fixing conspiracy of the oil cartel. It will, at a minimum, have a real deterrent effect on nations that seek to join forces to fix oil prices to the detriment of consumers. This legislation will be the first real weapon the U.S. government has ever had to deter OPEC from its seemingly endless cycle of price increases.

There is nothing remarkable about applying U.S. antitrust law overseas. Our government has not hesitated to do so when faced with clear evidence of anti-competitive conduct that harms American consumers. A few years ago, for example, the Justice Department secured record fines totaling $725 million against German and Swiss companies engaged in a price fixing conspiracy to raise and fix the price of vitamins sold in the United States and elsewhere. Their behavior harmed consumers by raising the prices consumers paid for vitamins every day and plainly needed to be addressed. As this and other cases show, the mere fact that the conspirators are foreign nations is no basis to shield them from violating these most basic standards of fair economic behavior.

Even under current law, there is no doubt that the actions of the international oil cartel would be in gross violation of antitrust law if engaged in by private companies. If OPEC were a group of international private companies rather than foreign governments, their actions would be nothing more than an illegal price fixing scheme. But OPEC members have used the shield of ''sovereign immunity'' to escape accountability for their price-fixing. The Foreign Sovereign Immunities Act, though, already recognizes that the ''commercial'' activity of nations is not protected by sovereign immunity. And it is hard to imagine an activity that is more obviously commercial than selling oil for profit, as the OPEC nations do. Our legislation will establish that the sovereign immunity doctrine will not divest a U.S. court from jurisdiction to hear a lawsuit alleging that members of the oil cartel are violating antitrust law.

The suffering of consumers across the Nation in the last year has made me more certain than ever that this legislation is necessary. Between OPEC's repeated decisions to cut oil production and the FTC's conclusion for the last several years that there is no illegal conduct by domestic companies responsible for rising gas prices, I am convinced that we need to take action, and take action now, before the damage spreads too far.

I urge my colleagues to support our legislation so that our Nation will finally have an effective means to combat this price-fixing conspiracy of oil-rich nations. Thank you.

I 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:

S. 879

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 ''No Oil Producing and Exporting Cartels Act of 2007'' or ''NOPEC''.

SEC. 2. SHERMAN ACT.

The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

''SEC. 7A. OIL PRODUCING CARTELS.

''(a) IN GENERAL.—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

''(1) to limit the production or distribution of oil, natural gas, or any other petroleum product

''(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

''(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product;

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

''(b) SOVEREIGN IMMUNITY.—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

''(c) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

''(d) ENFORCEMENT.—The Attorney General of the United States may bring an action to enforce this section in any district court of

the United States as provided under the antitrust laws.''.

SEC. 3. SOVEREIGN IMMUNITY.

Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (6), by striking ''or'' after the semicolon;

(2) in paragraph (7), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(8) in which the action is brought under section 7A of the Sherman Act.''.

Mr. LEAHY. Mr. President, I am pleased to join Senator KOHL, the chairman of the Subcommittee on Antitrust and Competition Policy, by cosponsoring once again the No Oil Producing and Exporting Cartels, NOPEC, Act. I thank Senator KOHL for his leadership on this important issue, and Senators SPECTER, GRASSLEY, FEINGOLD, SNOWE, SCHUMER, DURBIN, BOXER and COBURN the other cosponsors, for their continued support of this critically important effort.

The collusive behavior of certain oil producing nations has artificially—and drastically reduced the supply and inflated the price of fuel. Put simply, the behavior of these oil cartels, which would be illegal under antitrust laws, grievously harms American consumers and businesses.

We have introduced this measure in each of the last four Congresses. We introduce it again today, in our never-ending effort to make OPEC accountable for its anticompetitive behavior by allowing the Justice Department to crack down on illegal price manipulation by oil cartels.

This bill will allow the Federal Government to take legal action against any foreign state, including members of OPEC, for price fixing and artificially limiting the amount of available oil. While OPEC actions remain protected from antitrust enforcement, the ability of the governments involved to wreak havoc on the American economy will remain unchecked.

When the President took office, Americans could fill their cars, heat their homes, and run their businesses on gasoline that cost $1.45 a gallon. Fuel prices have skyrocketed since then. Prices will at times fall, but because fuel prices are not properly subject to competition oversight and enforcement, the American consumer will only benefit from lower prices when it serves some other purpose of the cartel and foreign governments.

President Bush has said he is concerned about gasoline costs and has pledged that the government would keep a close watch on unacceptable profiteering. It is time for the President to join us in supporting this legislation.

Our antitrust laws have been called the ''Magna Carta of free enterprise.'' If OPEC were simply a foreign business engaged in this type of behavior, it would already be subject to them. It is wrong to let OPEC producers off the hook just because their anticompetitive practices come with the seal of approval of national governments. I urge my colleagues to support this bill and to say ''No'' to OPEC.

By Mrs. LINCOLN (for herself and Mr. SMITH):

S. 881. A bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit; to the Committee on Finance.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 881

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 ''Short Line Railroad Investment Act of 2007''.

SEC. 2. EXTENSION AND MODIFICATION OF RAILROAD TRACK MAINTENANCE CREDIT.

(a) EXTENSION.—

(1) IN GENERAL.—Subsection (d) of section 45G of the Internal Revenue Code of 1986 (relating to qualified railroad track maintenance expenditures) is amended by striking ''for maintaining'' and all that follows and inserting ''for maintaining—

''(A) in the case of taxable years beginning after December 31, 2004, and before January 1, 2008, railroad track (including roadbed, bridges, and related track structures) owned or leased as of January 1, 2005, by a Class II or Class III railroad (determined without regard to any consideration for such expenditures given by the Class II or Class III railroad which made the assignment of such track), and

''(B) in the case of taxable years beginning after December 31, 2007, and before January 1, 2011, railroad track (including roadbed, bridges, and related track structures) owned or leased as of January 1, 2007, by a Class II or Class III railroad (determined without regard to any consideration for such expenditures given by the Class II or Class III railroad which made the assignment of such track).''.

(2) CONFORMING AMENDMENT.—Section 45G of such Code is amended by striking subsection (f).

(b) COORDINATION WITH SECTION 55.—Section 38(c)(4)(B) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii)(II) and inserting '', and'', and by adding at the end the following new clause:

''(iii) the credit determined under section 45G.''.

(c) CREDIT LIMITATION ADJUSTMENT.—Subparagraph (A) of section 45G(b)(1) of the Internal Revenue Code of 1986 is amended by striking ''$3,500'' and inserting ''$4,500''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

Mr. SMITH. Mr. President. I rise today with my colleague Senator LINCOLN of Arkansas to introduce the Short Line Railroad Investment Act of 2007.

More than 500 short line railroads operate nationally, serving nearly every State and account for almost 50,000 miles of track in the United States. By connecting to the larger railways, short line railroads are critical to farmers and small businesses that need to move their goods into the marketplace. Moreover, transporting goods using rail relieves highway congestion by decreasing the number of trucks that would otherwise move the same products.

Railroads are capital intensive and require significant investment to operate. Today, the unmet infrastructure needs of the short line railroads total in the billions of dollars. And capacity and physical demands on the short lines continue to grow. The presence of heavier rail cars being used today only further exacerbates the need for investment to meet the infrastructure needs of the short line railroads.

Currently a tax credit exists to enable increased investment in short line railroads. However, this critical credit is set to expire at the end of 2007. Current law allows for a taxpayer to claim a tax credit of 50 cents for every dollar invested in track rehabilitation. The extension of the tax credit for short line railroad maintenance and rehabilitation is integral to meeting this need.

The enactment of this credit in the 2004 American Jobs Creation Act has encouraged the private sector to increase investment in short line freight rail infrastructure. The ultimate beneficiaries of these investments will be over 11,000 rail customers employing over 1 million Americans in rural and urban areas.

It is imperative that we extend this credit. I propose a 3-year extension of this credit through 2010 that will help achieve the original goal of prompting $1.5 billion in new infrastructure improvements on short line railroads.

I urge my colleagues support for this important measure that will improve short line railroads that have such a vital role in the transportation of goods and our Nation's economy.

I ask unanimous consent that the text of the bill be printed in the RECORD.

By Mr. MENENDEZ (for himself, Mr. LAUTENBERG, Ms. MIKULSKI, and Mr. CASEY):

S. 882. A bill to require a pilot program on the facilitation of the transition of members of the Armed Forces to receipt of veterans health care benefits upon completion of military service, and for other purposes; to the Committee on Veterans' Affairs.

Mr. MENENDEZ. Mr. President, since the March 2003 start of the Iraq war, more than 24,042 members of our Nation's armed forces have been injured, more than 10,685 of them too severely to be returned to action.

I have visited these soldiers at Walter Reed, at Fort Dix, and at the East Orange Veterans Hospital. I have heard stories consistently from our veterans about fighting against DoD and VA bureaucracy for months and even years simply to receive the basic benefits they are owed by a grateful Nation.

The controversy at Walter Reed again brings to light the shortcomings in the process our returning veterans must deal with in their difficult transition from soldier to civilian. Just as

the deplorable conditions that have come to light are unacceptable, so too are the countless stories detailing the maze of forms, hearings, and medical evaluations that prevent so many of our veterans from getting the health care and benefits they need.

Too often, it seems that rather than thanking the soldier for their sacrifice, this system sets up yet another battle of bureaucracy. Too often, it seems that the system is stacked against the very soldiers it is designed to help. Too often, veterans must seek out their own treatment options and benefits or risk missing deadlines and losing benefits. It doesn't have to be this way. We have an obligation not only to fulfill the promises we make to America's fighting men and women, but to do so in a manner that ensures the benefits we owe them are made readily available.

At the East Orange VA hospital in my State of New Jersey, for instance, we have a modern War-Related Illness and Injury Study Center that stands underutilized because many veterans aren't even informed that it's there. Patients whose quality of life could be drastically improved by the technology the center provides miss the opportunity simply because they are not aware the option is available. This country can do better; the will of the American people is to do better; now this government must do better.

That's why I am proud to introduce the ''Veterans Navigator Act'', a bill that would expand and enhance the important work done by VSOs and other non-governmental organizations to guide our Nation's servicemen and women to and through the VA healthcare system. It would, in fact, acknowledge the work of these organizations by providing $25 million in grants over 5 years to augment their capabilities.

The ''navigator'' concept is not new. It is similar to the Patient Navigator demonstration program I introduced and which was subsequently enacted into law. There, we also took a successful small-scale program being used at select medical facilities around the country and expanded it by providing grants for a scaled-up demonstration program to serve those with cancer and other chronic diseases, and in particular, to provide support to medically underserved populations.

With the Veterans Navigator bill, I propose to do something similar, capitalizing on the successes of the Patient Navigator concept, to help our troops. The $25 million over 5 years in the bill would allow VSOs and other organizations to apply for grants so that they could hire and train navigators to provide assistance, on an individualized basis, to members of the Armed Forces as they transition from military service to the VA healthcare system. They would do so in coordination with DoD and the VA. Right now, many VSOs rely principally on donations to perform these services.

At the end of the 5 years, the VA Secretary would submit a report to Congress on the effectiveness of the Veterans Navigator demonstration program and recommend whether or not it should be made permanent.

Often called National Service Officers or counselors, a navigator is a ''sherpa'', a guide through the maze of paper and people and specialists and benefits. A navigator is an advocate for those no longer able to go it alone. A navigator is a facilitator, someone who will be with you through the process, to provide the expertise you will need to transition between active duty and veterans status and to get the urgent care you need.

Let me be clear: a navigator does not supplant the role of the DoD or the VA. A navigator is meant to complement the work done by these organizations, particularly at a time when those systems are struggling to meet the needs of the soldiers returning from war and will continue to do so long after the conflicts in Iraq and Afghanistan have ended.

While all veterans will benefit, the bill focuses particular attention on four underserved groups in the military community: the seriously injured or wounded soldiers, female soldiers, those suffering from psychological problems like Post-Traumatic Stress Disorder, PTSD, and members of the activated National Guard and Reserves.

These underserved groups have not been sufficiently served in existing VA and DoD transition programs and activities. It is these underserved groups who especially need continuity of care as they enter and wind their way through the VA medical system. Part of the reason they have not been adequately cared for is that the nature of the current wars we are fighting, in Iraq, in Afghanistan, is different from previous conflicts we've undertaken.

During the Iraq and Afghanistan campaigns, we have the largest activation of National Guard and reservists since World War II. As of March 12, according to DoD, the United States had 141,000 military personnel deployed in Iraq. Of these, 119,005 were active component personnel and 21,995 were National Guard and Reserves. These numbers are set to increase due to the recent announcement by President Bush to send at least 20,000 more troops to Iraq by May.

The GAG released a report in February 2005 citing deficiencies in benefits for these soldiers. The report concluded that National Guard and Reserve soldiers ''are given little help navigating a thicket of regulations and procedures necessary to gain access to military doctors.''

To complicate matters, members of our National Guard who seek medical care must file for an extension of their active duty status in order to continue to access military bases and hospitals.

In its report, GAG also concluded that, and I quote, ''the Army has not consistently provided the infrastructure needed to accommodate the needs of soldiers trying to navigate their way through the ''active duty medical extension'' (ADME) process . . . this has resulted in injured and ill soldiers carrying a disproportionate share of the burden for ensuring that they do not fall off their active duty orders.''

The Veterans Navigator Act would help minimize such occurrences by providing National Guardsmen and Reservists someone to help bring them through the ADME process and to help correct any discrepancies before they cause a delay in accessing VA medical care.

Veterans with psychological problems also need help. In the last several years, we've been hearing a lot more about post-traumatic stress disorder, or PTSD in veterans and those returning from conflict. The GAO report concluded that almost four out of five service members returning from Iraq and Afghanistan who were found to be at risk for PTSD were not provided appropriate medical assistance. All of these factors mean that now, more than ever, our Nation's soldiers need help moving between the DoD and VA realms.

According to a recent study commissioned by the Department of Veterans Affairs, roughly 13 percent of service men and women returning from Iraq suffer from PTSD. GAO has concluded that roughly 78 percent of those service members at risk for PTSD do not get further evaluation. That means they return to active duty or are discharged without receiving the appropriate care.

It is the nature of this disorder to appear not right after the traumatic event is experienced, but often not until an individual re-experiences an event, has a flashback or is somehow reminded of a battlefield event. That may not happen until after a service member has been discharged from service. Once PTSD does emerge, the veteran may not know how to access VA medical assistance, or he or she may not have yet enrolled into the VA medical system.

Again, as in the case of the severely wounded, time is of the essence. PTSD can manifest itself so severely as to incapacitate a soldier, making medical care more urgent. In the case of returning National Guardsmen and Reservists, the problem is made more complex because of the 2-year time limit on filing for VA benefits.

Since 1991, opportunities for women in our Nation's armed forces have grown. For the first time, the military is placing women in support units at the front line. This has come partly as the result of more than 10 years of policy changes making 91 percent of the career fields gender neutral.

The Navy and the Air Force have begun to allow female soldiers to fly fighters and bombers. The Army has expanded the role of women in ground-combat operations. Right now, ''women command combat military police companies, fly Apache helicopters, work as

tactical intelligence analysts, and serve in artillery units.''

This would have been unheard of a decade ago, but it's happening right now. Right now, record numbers of female soldiers are fighting on the front lines and, as a result, more are being seriously wounded or killed. A Baltimore reporter profiling women soldiers' participation in Iraq observed that ''the war in Iraq has been an equal opportunity employer, by killing and injuring a historic number of female soldiers in combat situations.''

Therefore, a VA medical system designed to treat wounded male soldiers must now ensure that female soldiers get the right kind of medical care. They will need help finding that care and getting access to that care. A veteran navigator can help them do that.

Because of the length and size of the deployment, many more soldiers are being seriously wounded. According to the GAO, roughly 30 percent of U.S. soldiers wounded in combat during World War II later died. Today, that number has dropped to 3 percent for those serving in Iraq and Afghanistan due to advances in technology and protective gear.

While this is clearly a positive development, it also means that many of these injured soldiers are returning home with severe disabilities, including traumatic brain injuries and missing limbs that require comprehensive inpatient rehabilitation services.

But, severe injuries often mean a lengthy transition from active duty to veteran status. As my story earlier indicates, the physical evaluation of a seriously wounded service member to determine whether he or she can return to active duty can take months to complete. In the interim, the VA has to be able to identify these soldiers so that they can perform early outreach, provided that they have the information to do so.

Despite this, the GAO observed in a March 2005 report that the VA faces ''significant challenges in providing services to seriously injured service members.''

In many cases, VA staff have reported that seriously injured service members are simply not ready to begin thinking about VA benefits or dealing with the VA system during the recovery process. The problem here, as GAO has pointed out, is that the VA has no policy for maintaining contact with these soldiers down the line, once they are discharged. Contact is often conducted on an ad hoc basis. Navigators can also help these seriously wounded soldiers.

VSOs such as the Veterans of Foreign Wars, Disabled American Veterans, Jewish War Veterans and so many others have emphasized the importance of maintaining contact with seriously injured veterans who do not initially apply for VA health care benefits because it may be many months or even years before they are prepared to apply for them.

The Veterans Navigator can help perform this function. Because this individual or individuals have reached out to the injured service member before his or her discharge, they can, in coordination with the VA caseworkers, remain in contact with them as they recover and prepare to re-enter civilian life. The navigator can also help obtain information from DoD on seriously injured soldiers earlier on so that they can help ensure that all service members and veterans benefit from VA health care services at the right time.

At a time when many active duty service people and veterans have fought and often made the ultimate sacrifice for their country, we cannot risk having any soldier fall through the cracks. We cannot take the risk that our female soldiers, who are fighting alongside their male colleagues, may not receive the medical care they need. We cannot risk the lives and health of soldiers with PTSD. We cannot risk the lives and the health of any service member who put their lives at risk for our country.

As we have seen with the situation at Walter Reed, DoD and VA simply do not have the manpower to effectively handle the influx of veterans cases coming into the system. With a backlog of over half a million claims, the VA can not adequately address the individual needs of America's warriors. Our service members didn't have to wait to sign up to serve their country; they shouldn't have to wait and fight to get the benefits they are seriously entitled to.

The very least that we can do is to ensure that all of these brave men and women are able to access the medical benefits to which they are entitled, particularly in their time of greatest need. At some point in each of our lives, we might need a guiding hand to help us find our way. Today, I am proposing to provide that helping hand to our troops in a time of their greatest need. It is the very least that we can do.

By Mrs. FEINSTEIN (for herself and Mr. VOINOVICH):

S. 883. A bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President. I rise today with Senator VOINOVICH to introduce legislation that would expand the Federal student loan forgiveness program to include Head Start teachers.

Nationwide, only 31 percent of Head Start teachers have completed a baccalaureate or advanced degree program.

In California, that number is even smaller: only 21 percent of Head Start teachers have completed a bachelor's degree.

To prepare Head Start children for elementary school, we must recruit highly qualified teachers who have demonstrated knowledge and teaching skills in reading, early childhood development, and other areas of the preschool curriculum with a particular focus on cognitive learning.

Recruiting and retaining teachers with such qualifications is critical to ensuring that our children start elementary school ready to learn.

A survey conducted by the U.S. Department of Health and Human Services, the Head Start Family and Child Experiences Survey (FACES), found that ''teachers with higher education levels were found to have more high quality language activities and more creative activities in their classrooms.''

In order to give every child a jump start in life, we must continue to recruit highly qualified teachers to the Head Start field and prevent the best teachers from leaving.

Many Head Start programs across the country, including in California, are losing qualified teachers to local school districts in part because the pay is better.

Nationally, the average Head Start teacher earns a salary of about $21,000—almost half the amount of elementary school teachers' salary of about $43,000.

Low pay, combined with increasing student debt, makes it increasingly difficult to attract and retain highly qualified Head Start teachers.

We must provide incentives to encourage recent graduates, current Head Start teachers without a degree, and college students to enter and remain in this important field.

This legislation would allow recent college graduates (obtaining a minimum of a bachelor's degree), and current Head Start teachers without a degree, to receive up to $5,000 of their Federal student loans forgiven in exchange for 5 years of teaching in a qualified Head Start program; and provide Head Start teachers with the same opportunity as currently offered to eligible elementary and secondary school teachers to receive up to $5,000 in loan forgiveness in exchange for 5 years of service.

Providing our Nation's low-income children with access to highly educated and qualified Head Start teachers so that they enter school ready to learn is critical to their future success.

Head Start is the primary Federal program that has the potential to reach out to low-income children early in their formative years when their cognitive skills are just developing.

Research shows that Head Start is a smart investment in our children's future.

For example, a 2003 Kindergarten Readiness: Head Start Success study of more than 600 graduates in San Bernardino County, CA, demonstrated that society receives nearly nine dollars in benefits, i.e. increased earnings and employment, for every one dollar invested in Head Start children.

That is why we must act now.

Every teacher that the Head Start program loses impacts the quality and access to services for our Nation's neediest children, and ultimately can impact their future success.

I urge my colleagues to join me and Senator VOINOVICH in supporting this important legislation.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 883

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

SECTION 1. LOAN FORGIVENESS FOR HEAD START TEACHERS.

(a) SHORT TITLE.—This section may be cited as the ''Loan Forgiveness for Head Start Teachers Act of 2007''.

(b) HEAD START TEACHERS.—Section 428J of the Higher Education Act of 1965 (20 U.S.C 1078–10) is amended—

(1) in subsection (b), by striking paragraph (1) and inserting the following:

''(1)(A) has been employed—

''(i) as a full-time teacher for 5 consecutive complete school years in a school that qualifies under section 465(a)(2)(A) for loan cancellation for Perkins loan recipients who teach in such a school; or

''(ii) as a Head Start teacher for 5 consecutive complete program years under the Head Start Act; and

''(B)(i) if employed as an elementary school or secondary school teacher, is highly qualified as defined in section 9101 of the Elementary and Secondary Education Act of 1965, or meets the requirements of subsection (g)(3); and

''(ii) if employed as a Head Start teacher, has demonstrated knowledge and teaching skills in reading, writing, early childhood development, and other areas of a preschool curriculum, with a focus on cognitive learning; and'';

(2) in subsection (g), by adding at the end the following:

''(4) HEAD START.—An individual shall be eligible for loan forgiveness under this section for service described in clause (ii) of subsection (b)(1)(A) only if such individual received a baccalaureate or graduate degree on or after the date of enactment of the Loan Forgiveness for Head Start Teachers Act of 2007.''; and

(3) by adding at the end the following:

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal year 2011 and succeeding fiscal years to carry out loan repayment under this section for service described in clause (ii) of subsection (b)(1)(A).''.

(c) DIRECT STUDENT LOAN FORGIVENESS.—

(1) IN GENERAL.—Section 460 of the Higher Education Act of 1965 (20 U.S.C 1087j) is amended—

(A) in subsection (b)(1), by striking subparagraph (A) and inserting the following:

''(A)(i) has been employed—

''(I) as a full-time teacher for 5 consecutive complete school years in a school that qualifies under section 465(a)(2)(A) for loan cancellation for Perkins loan recipients who teach in such a school; or

''(II) as a Head Start teacher for 5 consecutive complete program years under the Head Start Act; and

''(ii)(I) if employed as an elementary school or secondary school teacher, is highly qualified as defined in section 9101 of the Elementary and Secondary Education Act of 1965, or meets the requirements of subsection (g)(3); and

''(II) if employed as a Head Start teacher, has demonstrated knowledge and teaching skills in reading, writing, early childhood development, and other areas of a preschool curriculum, with a focus on cognitive learning; and'';

(B) in subsection (g), by adding at the end the following:

''(4) HEAD START.—An individual shall be eligible for loan forgiveness under this section for service described in subclause (II) of subsection (b)(l)(A)(i) only if such individual received a baccalaureate or graduate degree on or after the date of enactment of the Loan Forgiveness for Head Start Teachers Act of 2007.''; and

(C) by adding at the end the following:

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal year 2011 and succeeding fiscal years to carry out loan repayment under this section for service described in subclause (II) of subsection (b)(1)(A)(i).''.

(d) CONFORMING AMENDMENTS.—

(1) FFEL PROGRAM.—Section 428J of the Higher Education Act of 1965 (20 U.S.C. 1078–10) is amended—

(A) in subsection (c)(1), by inserting ''or fifth complete program year'' after ''fifth complete school year of teaching'';

(B) in subsection (f), by striking ''subsection (b)'' and inserting ''subsection (b)(1)(A)(i)'';

(C) in subsection (g)(1)(A), by striking ''subsection (b)(1)(A)'' and inserting ''subsection (b)(1)(A)(i)''; and

(D) in subsection (h), by inserting ''except as part of the term 'program year','' before ''where''.

(2) DIRECT LOAN PROGRAM.—Section 460 of the Higher Education Act of 1965 (20 U.S.C. 1087j) is amended—

(A) in subsection (c)(1), by inserting ''or fifth complete program year'' after ''fifth complete school year of teaching'';

(B) in subsection (f), by striking ''subsection (b)'' and inserting ''subsection (b)(1)(A)(i)(I)'';

(C) in subsection (g)(1)(A), by striking ''subsection (b)(1)(A)'' and inserting ''subsection (b)(1)(A)(i)(I)''; and

(D) in subsection (h), by inserting ''except as part of the term 'program year','' before ''where''.

By Mr. DURBIN (for himself and Mr. COLEMAN):

S. 884. A bill to amend the Public Health Service Act regarding residential treatment programs for pregnant and parenting women, a program to reduce substance abuse among nonviolent offenders, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 884

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 ''Family-Based Meth Treatment Access Act of 2007''.

SEC. 2. RESIDENTIAL TREATMENT PROGRAMS FOR PREGNANT AND PARENTING WOMEN.

Section 508 of the Public Health Service Act (42 U.S.C. 290bb–1) is amended—

(1) in the section heading, by striking ''PREGNANT AND POSTPARTUM WOMEN'' and inserting ''PREGNANT AND PARENTING WOMEN'';

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''postpartum women treatment for substance abuse'' and inserting ''parenting women treatment for substance abuse (including treatment for addiction to methamphetamine)'';

(B) in paragraph (1), by striking ''reside in'' and inserting ''reside in or receive outpatient treatment services from''; and

(C) in paragraph (2), by striking ''reside with the women in'' and inserting ''reside with the women in, or receive outpatient treatment services from,'';

(3) in subsection (d)(6), by inserting '', or referrals for counseling,'' after ''Counseling'';

(4) in subsection (h)(1), by striking ''pregnant and postpartum women'' and inserting ''pregnant and parenting women'';

(5) by amending subsection (m) to read as follows:

''(m) ALLOCATION OF AWARDS.—In making awards under subsection (a), the Director shall give priority to any entity that agrees to use the award for a program serving an area that—

''(1) is a rural area, an area designated under section 332 by the Administrator of the Health Resources and Services Administration as a health professional shortage area with a shortage of mental health professionals, or an area determined by the Director to have a shortage of family-based substance abuse treatment options; and

''(2) is determined by the Director to have high rates of addiction to methamphetamine or other drugs.'';

(6) in subsection (p), by—

(A) striking ''October 1, 1994'' and inserting ''October 1, 2008'';

(B) striking ''Committee on Labor and Human Resources'' and inserting ''Committee on Health, Education, Labor, and Pensions'';

(C) inserting ''In submitting reports under this subsection, the Director may use data collected under this section or other provisions of law.'' after ''biennial report under section 501(k).''; and

(D) striking ''Each report under this subsection shall include'' and all that follows and inserting ''Each report under this subsection shall, with respect to the period for which the report is prepared, include the following:

''(1) A summary of any evaluations conducted under subsection (o).

''(2) Data on the number of pregnant and parenting women in need of, but not receiving, treatment for substance abuse under programs carried out pursuant to this section. Such data shall include, but not be limited to, the number of pregnant and parenting women in need of, but not receiving, treatment for methamphetamine abuse under such programs, disaggregated by State and tribe.

''(3) Data on recovery and relapse rates of women receiving treatment for substance abuse under programs carried out pursuant to this section, including data disaggregated with respect to treatment for methamphetamine abuse.'';

(7) by redesignating subsections (q) and (r) as subsections (r) and (s), respectively;

(8) by inserting after subsection (p) the following:

''(q) METHAMPHETAMINE ADDICTION.—In carrying out this section, the Director shall expand, intensify, and coordinate efforts to provide to pregnant and parenting women treatment for methamphetamine addiction.''; and

(9) in subsection (s) (as so redesignated), by striking ''such sums as may be necessary to fiscal years 2001 through 2003'' and inserting ''$70,000,000 for each of fiscal years 2008 through 2012''.

SEC. 3. PROGRAM TO REDUCE SUBSTANCE ABUSE AMONG NONVIOLENT OFFENDERS: FAMILY TREATMENT ALTERNATIVES TO INCARCERATION.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by inserting after section 509 the following:

''SEC. 510. PROGRAM TO REDUCE SUBSTANCE ABUSE AMONG NONVIOLENT OFFENDERS: FAMILY TREATMENT ALTERNATIVES TO INCARCERATION.

''(a) IN GENERAL.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall make awards of grants, cooperative agreements, or contracts to public and nonprofit private entities for the purpose of assisting local jails and detention facilities in providing comprehensive, family-based substance abuse treatment services (including treatment for addiction to methamphetamine) to pregnant and parenting adults who are considered nonviolent offenders.

''(b) MINIMUM QUALIFICATIONS FOR NONPROFIT PRIVATE ENTITIES.—An award may be made under subsection (a) to an applicant that is a nonprofit private entity only if the Secretary determines that—

''(1) the applicant has the capacity to provide the services described in subsection (a); and

''(2) the applicant meets all applicable State licensor and certification requirements regarding the provision of substance abuse treatment services.

''(c) REQUIREMENTS APPLICABLE TO FAMILY DRUG TREATMENT PROGRAM THAT IS AN ALTERNATIVE TO INCARCERATION.—A grant under this section may be used for a family drug treatment program that is an alternative to incarceration only if the program complies with the following:

''(1) The program is a comprehensive, long-term family treatment program focused on the treatment of the parent and child.

''(2) The program and its providers meet all applicable State licensor and certification requirements regarding the provision of substance abuse treatment services.

''(3) Each parent offender who participates in the program is sentenced to, or placed with, a long-term family treatment program (which shall include a residential component).

''(4) Each parent offender who participates in the program serves a sentence with respect to the underlying crime if that parent offender does not successfully complete treatment with the residential treatment provider.

''(5) The program has mandatory periodic drug testing. The Secretary shall, by prescribing guidelines or regulations, specify standards for the timing and manner of complying with such testing. The standards shall ensure that—

''(A) each individual participating in the program as an alternative to incarceration is tested for every controlled substance that the participant has been known to abuse, and for any other controlled substance the Secretary may require; and

''(B) the testing is accurate and practicable; and

''(C) the drug testing regime is a factor in determinations of whether program participants successfully complete treatment.

''(d) ALLOCATION OF AWARDS.—In making awards under subsection (a), the Secretary shall give priority to any entity that agrees to use the award for a program serving an area that—

''(1) is a rural area, an area designated under section 332 by the Administrator of the Health Resources and Services Administration as a health professional shortage area with a shortage of mental health professionals, or an area determined by the Secretary to have a shortage of family-based substance abuse treatment options; and

''(2) is determined by the Secretary to have high rates of addiction to methamphetamine or other drugs.

''(e) DEFINITIONS.—In this section the terms 'family drug treatment', 'family treatment', and 'comprehensive, long-term family treatment' describe programs that provide, or are able to provide referrals for, the following services: Substance abuse treatment, children's early intervention services, family counseling, legal services, medical care, mental health services, nursery and preschool, parenting skills training, pediatric care, prenatal care, sexual abuse therapy, relapse prevention, transportation, and job or vocational training or general equivalency diploma (GED) classes.

''(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $40,000,000 for each of fiscal years 2008, 2009, and 2010, and $50,000,000 for each of fiscal years 2011 and 2012.''.

By Mr. BINGAMAN (for himself and Mr. LEAHY):

S. 886. A bill toamend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records; to the Committee on Homeland Security and Governmental Affairs.

Mr. BINGAMAN. Mr. President, I rise today with my colleague from Vermont, Senator LEAHY, to introduce a bill that would restore the American people's access to Presidential papers. This bill is the companion to H.R. 1255, which is sponsored by Representative HENRY WAXMAN, and was passed in the House of Representatives with strong bipartisan support.

In 1978, this body passed the Presidential Records Act and declared that a President's papers were the property of the people of the United States of America and were to be administered by the National Archives and Records Administration, or NARA. The Act provided that Presidential papers would be made available 12 years after a President left office, allowing the former or incumbent President the right to claim executive privilege for particularly sensitive documents. In order to fulfill that mandate, President Reagan in 1989 signed Executive Order 12667, which gave the former or incumbent President 30 days to claim executive privilege.

However, in 2001, President Bush issued Executive Order 13233, nullifying President Reagan's order and imposing new regulations for obtaining Presidential and Vice-Presidential documents. President Bush's new order greatly restricts access to Presidential papers by requiring that all requests for documents, no matter how innocuous, be approved by both the former President and current White House. In this way the order goes against the letter and the spirit of the Presidential Records Act by creating a presumption of nondisclosure, thus allowing the White House to prevent the release of records simply by inaction.

The President's order also limits what types of papers are available by expanding the scope of executive privilege into new areas—namely communications between the President and his advisors and legal advice given to the President. The order extends executive privilege to the records of the Vice President for the first time. Also, former Presidents can now designate third parties, including family members and Vice Presidents, to exercise executive privilege on their behalf, meaning that Presidential papers could remain concealed many years after a President's death. These expansions raise some serious constitutional questions. Deleted sentence. My legislation simply seeks to restore a presumption that Presidential records belong to the people of the United States and to create a legitimate, streamlined means of carrying out this body's wishes—making Presidential records available for examination by the public and by Congress.

The administration shouldn't fear passage of this bill. Any documents that contain sensitive national security information would remain inaccessible, as would any documents pertaining to law enforcement or the deliberative process of the executive branch. Executive privilege for both former and current Presidents would still apply to any papers the White House designates. With these safeguards in place, there is no reason to further hinder access to documents that are in some cases more than 20 years old.

By not passing this bill, the Congress would greatly limit its own ability to investigate previous administrations, not to mention limit the ability of historians and other interested parties to research the past. Knowledge of the past enriches and informs our understanding of the present, and by limiting our access to these documents we do both ourselves and future generations a great disservice. Numerous historians, journalists, archivists and other scholars have voiced their disapproval of Executive Order 13233 because they understand how important access to Presidential papers can be to accurately describing and learning from past events. We here in the Congress cannot and should not surrender our ability to investigate previous Presidential administrations because doing so would remove a vitally important means of ensuring Presidential accountbility.

I believe it is time for these documents to become part of the public record. I believe in open, honest, and accountable government, and I do not believe in keeping secrets from the American people. The Presidential Records Act was one of this country's most vital post-Watergate reforms and

it remains vitally important today. In these times when trust in government is slipping more and more every day, we need to send a statement to the American people that we here in Washington don't need to hide from public scrutiny—that instead we welcome and encourage public scrutiny. This bill will send just such a message.

Franklin Roosevelt commented on the opening of his Presidential library in 1941:

''To bring together the records of the past and to house them in buildings where they will be preserved for the use of men and women in the future, a Nation must believe in three things. It must believe in the past. I must believe in the future. It must, above all, believe in the capacity of its own people to learn from the past so that they can gain in judgment in creating their own future.''

I believe that the American people deserve and need access to Presidential records.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 886

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 ''Presidential Records Act Amendments of 2007''.

SEC. 2. PROCEDURES FOR CONSIDERATION OF CLAIMS OF CONSTITUTIONALLY BASED PRIVILEGE AGAINST DISCLOSURE.

(a) IN GENERAL.—Chapter 22 of title 44, United States Code, is amended by adding at the end the following:

''§ 2208. Claims of constitutionally based privilege against disclosure

''(a)(1) When the Archivist determines under this chapter to make available to the public any Presidential record that has not previously been made available to the public, the Archivist shall—

''(A) promptly provide notice of such determination to—

''(i) the former President during whose term of office the record was created; and

''(ii) the incumbent President; and

''(B) make the notice available to the public.

''(2) The notice under paragraph (1)—

''(A) shall be in writing; and

''(B) shall include such information as may be prescribed in regulations issued by the Archivist.

''(3)(A) Upon the expiration of the 20-day period (excepting Saturdays, Sundays, and legal public holidays) beginning on the date the Archivist provides notice under paragraph (1)(A), the Archivist shall make available to the public the record covered by the notice, except any record (or reasonably segregable part of a record) with respect to which the Archivist receives from a former President or the incumbent President notification of a claim of constitutionally based privilege against disclosure under subsection (b).

''(B) A former President or the incumbent President may extend the period under subparagraph (A) once for not more than 20 additional days (excepting Saturdays, Sundays, and legal public holidays) by filing with the Archivist a statement that such an extension is necessary to allow an adequate review of the record.

''(C) Notwithstanding subparagraphs (A) and (B), if the period under subparagraph (A), or any extension of that period under subparagraph (B), would otherwise expire after January 19 and before July 20 of the year in which the incumbent President first takes office, then such period or extension, respectively, shall expire on July 20 of that year.

''(b)(1) For purposes of this section, any claim of constitutionally based privilege against disclosure shall be asserted personally by a former President or the incumbent President, as applicable.

''(2) A former President or the incumbent President shall notify the Archivist, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate of a privilege claim under paragraph (1) on the same day that the claim is asserted under paragraph (1).

''(c)(1) The Archivist shall not make publicly available a Presidential record that is subject to a privilege claim asserted by a former President until the expiration of the 20-day period (excluding Saturdays, Sundays, and legal public holidays) beginning on the date the Archivist is notified of the claim.

''(2) Upon the expiration of such period the Archivist shall make the record publicly available unless otherwise directed by a court order in an action initiated by the former President under section 2204(e).

''(d)(1) The Archivist shall not make publicly available a Presidential record that is subject to a privilege claim asserted by the incumbent President unless—

''(A) the incumbent President withdraws the privilege claim; or

''(B) the Archivist is otherwise directed by a final court order that is not subject to appeal.

''(2) This subsection shall not apply with respect to any Presidential record required to be made available under section 2205(2)(A) or (C).

''(e) The Archivist shall adjust any otherwise applicable time period under this section as necessary to comply with the return date of any congressional subpoena, judicial subpoena, or judicial process.''.

(b) RESTRICTIONS.—Section 2204 of title 44, United States Code (relating to restrictions on access to presidential records) is amended by adding at the end the following:

''(f) The Archivist shall not make available any original presidential records to any individual claiming access to any presidential record as a designated representative under section 2205(3) if that individual has been convicted of a crime relating to the review, retention, removal, or destruction of records of the Archives.''.

(c) CONFORMING AMENDMENTS.—(1) Section 2204(d) of title 44, United States Code, is amended by inserting '', except section 2208,'' after ''chapter''.

(2) Section 2207 of title 44, United States Code, is amended in the second sentence by inserting '', except section 2208,'' after ''chapter''.

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 22 of title 44, United States Code, is amended by adding at the end the following:

''2208. Claims of constitutionally based privilege against disclosure.''.

SEC. 3. EXECUTIVE ORDER OF NOVEMBER 1, 2001.

Executive Order number 13233, dated November 1, 2001 (66 Fed. Reg. 56025), shall have no force or effect.

By Mrs. FEINSTEIN (for herself and Mr. DURBIN):

S. 887. A bill to restore import and entry agricultural inspection functions to the Department of Agriculture; to the Committee on Homeland Security and Governmental Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to offer a bill with Senator DURBIN to restore our Nation's agricultural inspection functions to the Department of Agriculture.

This bill would transfer the Agricultural Quarantine Inspection Program—AQI—from the Department of Homeland Security's Customs and Border Protection back to the USDA's Animal and Plant Health Inspection Service—(APHIS).

In 2003, as part of the Homeland Security Act, agricultural inspections at all points of entry in the United States were transferred from the USDA to DHS. Four years later, it is clear that fewer agricultural inspections are being conducted at our borders and ports.

I have heard this message loud and clear from: California Secretary of Agriculture A.G. Kawamura, California Farm Bureau, the American Landscape and Nursery Association, the California Agriculture Commissioners and Sealers Association, the Nisei Farmers League, the Nature Conservancy, Environmental Defense, National Wildlife Federation, Union of Concerned Scientists, Defenders of Wildlife, and the San Diego County Agriculture Commissioner, the Contra Costa County Agriculture Commissioner, and many California farmers.

These groups have observed not only the decrease in the number of inspections since the Agricultural Quarantine Inspection Program was transferred to the Department of Homeland Security—DHS—but also decreased communication between the program and State agricultural organizations.

Last year, the Government Accountability Office produced a report that highlighted the problems associated with the transfer of the program from the U.S. Department of Agriculture to the Department of Homeland Security, entitled ''Homeland Security: Management and Coordination Problems Increase the Vulnerability of U.S. Agriculture to Foreign Pests and Disease.''

The GAO study found:

The inspection rate at several key American points of entry has significantly decreased. Inspections decreased in Miami by 12.7 percent, in Boston by 17.9 percent, and San Francisco by 21.4 percent.

Sixty percent of agricultural inspection specialists believed they were doing either ''somewhat'' or ''many fewer'' inspections since the transfer.

Sixty-three percent of survey respondents did not believe that their port had enough agriculture specialists to carry out agriculture duties.

Lastly, 64 percent of the agriculture specialists reported that their work was not respected by Customs and Border Patrol.

These statistics are deplorable.

The failure to protect our borders from the invasion of agricultural pests

places our farmlands and forests at great risk of infestation.

USDA estimates nationally that agricultural pests cost the American agricultural industry an annual loss of about $41 billion.

In California alone, pest infestations cost my State's farmers about $3 billion. This amount includes crops lost in the quarantine, and the cost of measures taken to control and eradicate pest outbreaks.

The farmers in my State continue to battle against serious agricultural pests, such as the glassy-winged sharpshooter, the Asian long-horned beetle, the Mediterranean fruit fly, and many others.

During the time that DHS has been in charge of agriculture inspections, Fresno County experienced its first fruit fly outbreak, quarantine, and eradication.

According to the Fresno County Department of Agriculture, a 105-square-mile area had to be quarantined due to an outbreak of the peach fruit fly. The pest is indigenous to Asia, and is believed to have entered the country on smuggled fruit carried by an airline passenger. The eradication effort cost approximately $1 million.

The interception of pests at inspection points, coupled with the elimination and eradication of pest outbreaks, is a top priority for California agriculture organizations. And these groups have asked for help in improving the agricultural inspection process.

But this is not just a California problem. Farmers and foresters from every corner of our country have faced the imposing threat of a foreign agriculture pest invasion.

Here are just a few examples of the pests that threaten our Nation:

The glassy-winged sharpshooter is a devastating new pest for California. Since its migration into California in 1990 from the southeastern United States, the glassy-winged sharpshooter population there has ballooned throughout southern California. This pest transmits Pierce's disease, which threatens 450,000-plus acres of winegrapes, more than 330,000 acres of raisin and table grapevines, a crop production of $4 billion and associated economic activity of $45 billion. There is no known cure for Pierce's disease. The glassy-winged sharpshooter also threatens crops such as almonds, citrus, and peaches as well as native plants, shrubs, and trees.

Citrus canker is believed to have originated in Southeast Asia and was discovered in Florida in 1995. It causes lesions on the leaves, stems, and fruit of citrus trees, causes leaves and fruit to drop prematurely, and makes fruit too unsightly to be sold. The Federal Government has spent $378 million for eradication, with little results.

The Asian long-horned beetle was introduced to the United States in August 1996 inside solid wood packing material from China. The beetle is a serious threat to hardwood trees and has no known natural predator in the United States. The beetle has the potential to destroy millions of acres of America's hardwood forests and industries such as lumber, maple syrup, nursery, and tourism accumulating over $41 billion in losses. The beetle has spread to New York, New Jersey, Illinois, and California.

In the summer of 2002, scientists detected a new exotic insect in Michigan, the emerald ash borer. This insect is an invasive species originally from Asia. To date, it has killed or damaged millions of ash trees in Michigan. It has been detected in Ohio, Indiana, Maryland, Ohio, Illinois, and in Ontario, Canada.

The National Association of State Departments of Agriculture—NASDA—recognizes the impending danger and has first-hand experience of how inspections have changed since the DHS takeover.

NASDA recently announced that one of its key recommendations is to reassign cargo inspection from DHS to USDA's Animal and Plant Health Inspection Service—APHIS.

NASDA explains: APHIS has ''the expertise and communication system to carry out a focused and effective agricultural safeguarding effort at our borders.''

Our Nation's agriculture is too important to leave open to the risk of invasion of agricultural pests. I urge my colleagues to join me in supporting this bill.

Let us reprioritize the plant and animal border inspections and strengthen the anti-terrorism mission of DHS by returning the Agricultural Quarantine Inspections to its logical place, the United States Department of Agriculture.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 887

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

SECTION 1. RESTORATION OF IMPORT AND ENTRY AGRICULTURAL INSPECTION FUNCTIONS TO THE DEPARTMENT OF AGRICULTURE.

(a) REPEAL OF TRANSFER OF FUNCTIONS.—Section 421 of the Homeland Security Act of 2002 (6 U.S.C. 231) is repealed.

(b) CONFORMING AMENDMENT TO FUNCTION OF SECRETARY OF HOMELAND SECURITY.—Section 402 of the Homeland Security Act of 2002 (6 U.S.C. 202) is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraph (8) as paragraph (7).

(c) TRANSFER AGREEMENT.—

(1) IN GENERAL.—Not later than the effective date described in subsection (g), the Secretary of Agriculture and the Secretary of Homeland Security shall enter into an agreement to effectuate the return of functions required by the amendments made by this section.

(2) USE OF CERTAIN EMPLOYEES.—The agreement may include authority for the Secretary of Agriculture to use employees of the Department of Homeland Security to carry out authorities delegated to the Animal and Plant Health Inspection Service regarding the protection of domestic livestock and plants.

(d) RESTORATION OF DEPARTMENT OF AGRICULTURE EMPLOYEES.—Not later than the effective date described in subsection (e), all full-time equivalent positions of the Department of Agriculture transferred to the Department of Homeland Security under section 421(g) of the Homeland Security Act of 2002 (6 U.S.C. 231(g)) (as in effect on the day before the effective date described in subsection (g)) shall be restored to the Department of Agriculture.

(e) AUTHORITY OF APHIS.—

(1) ESTABLISHMENT OF PROGRAM.—The Secretary of Agriculture shall establish within the Animal and Plant Health Inspection Service a program, to be known as the ''International Agricultural Inspection Program'', under which the Administrator of the Animal and Plant Health Inspection Service (referred to in this subsection as the ''Administrator'') shall carry out import and entry agricultural inspections.

(2) INFORMATION GATHERING AND INSPECTIONS.—In carrying out the program under paragraph (1), the Administrator shall have full access to—

(A) each secure area of any terminal for screening passengers or cargo under the control of the Department of Homeland Security on the day before the date of enactment of this Act for purposes of carrying out inspections and gathering information; and

(B) each database (including any database relating to cargo manifests or employee and business records) under the control of the Department of Homeland Security on the day before the date of enactment of this Act for purposes of gathering information.

(3) INSPECTION ALERTS.—The Administrator may issue inspection alerts, including by indicating cargo to be held for immediate inspection.

(4) INSPECTION USER FEES.—The Administrator may, as applicable—

(A) continue to collect any agricultural quarantine inspection user fee; and

(B) administer any reserve account for the fees.

(5) CAREER TRACK PROGRAM.—

(A) IN GENERAL.—The Administrator shall establish a program, to be known as the ''import and entry agriculture inspector career track program'', to support the development of long-term career professionals with expertise in import and entry agriculture inspection.

(B) STRATEGIC PLAN AND TRAINING.—In carrying out the program under this paragraph, the Administrator, in coordination with the Secretary of Agriculture, shall—

(i) develop a strategic plan to incorporate import and entry agricultural inspectors into the infrastructure protecting food, fiber, forests, bioenergy, and the environment of the United States from animal and plant pests, diseases, and noxious weeds; and

(ii) as part of the plan under clause (i), provide training for import and entry agricultural inspectors participating in the program not less frequently than once each year to improve inspection skills

(f) DUTIES OF SECRETARY.—

(1) IN GENERAL.—The Secretary of Agriculture (referred to in this subsection as the ''Secretary'') shall—

(A) develop standard operating procedures for inspection, monitoring, and auditing relating to import and entry agricultural inspections, in accordance with recommendations from the Comptroller General of the United States and reports of interagency advisory groups, as applicable; and

(B) ensure that the Animal and Plant Health Inspection Service has a national electronic system with real-time tracking capability for monitoring, tracking, and reporting inspection activities of the Service.

(2) FEDERAL AND STATE COOPERATION.—

(A) COMMUNICATION SYSTEM.—The Secretary shall develop and maintain an integrated, real-time communication system with respect to import and entry agricultural inspections to alert State departments of agriculture of significant inspection findings of the Animal and Plant Health Inspection Service.

(B) ADVISORY COMMITTEE.—

(i) ESTABLISHMENT.—The Secretary shall establish a committee, to be known as the ''International Trade Inspection Advisory Committee'' (referred to in this subparagraph as the ''committee''), to advise the Secretary on policies and other issues relating to import and entry agricultural inspection.

(ii) MODEL.—In establishing the committee, the Secretary shall use as a model the Agricultural Trade Advisory Committee.

(iii) MEMBERSHIP.—The committee shall be composed of members representing—

(I) State departments of agriculture;

(II) directors of ports and airports in the United States;

(III) the transportation industry;

(IV) the public; and

(V) such other entities as the Secretary determines to be appropriate.

(3) REPORT.—Not less frequently than once each year, the Secretary shall submit to Congress a report containing an assessment of—

(A) the resource needs for import and entry agricultural inspection, including the number of inspectors required;

(B) the adequacy of—

(i) inspection and monitoring procedures and facilities in the United States; and

(ii) the strategic plan developed under subsection (e)(5)(B)(i); and

(C) new and potential technologies and practices, including recommendations regarding the technologies and practices, to improve import and entry agricultural inspection.

(4) FUNDING.—The Secretary shall pay the costs of each import and entry agricultural inspector employed by the Animal and Plant Health Inspection Service—

(A) from amounts made available to the Department of Agriculture for the applicable fiscal year; or

(B) if amounts described in subparagraph (A) are unavailable, from amounts of the Commodity Credit Corporation.

(g) EFFECTIVE DATE.—The amendments made by this section take effect on the date that is 180 days after the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 105—DESIGNATING SEPTEMBER 2007 AS ''CAMPUS FIRE SAFETY MONTH''

Mr. BIDEN (for himself, Ms. COLLINS, Mr. KENNEDY, Mr. LAUTENBERG, and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 105

Whereas tragic fires in student housing in Nebraska, Missouri, Oklahoma, and Pennsylvania have cut short the lives of college students in the United States;

Whereas, since January 2000, at least 99 people, including students, parents, and children, have died in campus-related fires;

Whereas more than 75 percent of those deaths occurred in off-campus occupancies;

Whereas a majority of the students in the United States live in off-campus occupancies;

Whereas a number of fatal fires have occurred in buildings in which the fire safety systems have been compromised or disabled by the occupants;

Whereas automatic fire alarm systems provide the early warning of a fire that is necessary for occupants and the fire department to take appropriate action;

Whereas automatic fire sprinkler systems are a highly effective method for controlling or extinguishing a fire in its early stages and protecting the lives of the building's occupants;

Whereas many students are living in off-campus occupancies, sorority and fraternity housing, and residence halls that are not adequately protected with automatic fire alarm systems and automatic fire sprinkler systems;

Whereas fire safety education is an effective method of reducing the occurrence of fires and the resulting loss of life and property damage;

Whereas students are not routinely receiving effective fire safety education throughout their entire college careers;

Whereas it is vital to educate future generations in the United States about the importance of fire safety to help ensure the safety of young people during their college years and beyond; and

Whereas by educating a generation of adults about fire safety, future loss of life from fires may be significantly reduced: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2007 as ''Campus Fire Safety Month''; and

(2) encourages administrators of institutions of higher education and municipalities—

(A) to provide educational programs about fire safety to all students during ''Campus Fire Safety Month'' and throughout the school year;

(B) to evaluate the level of fire safety being provided in both on- and off-campus student housing; and

(C) to take the necessary steps to ensure fire-safe living environments through fire safety education, installation of fire suppression and detection systems, and the development and enforcement of applicable codes relating to fire safety.

SENATE RESOLUTION 106—CALLING ON THE PRESIDENT TO ENSURE THAT THE FOREIGN POLICY OF THE UNITED STATES REFLECTS APPROPRIATE UNDERSTANDING AND SENSITIVITY CONCERNING ISSUES RELATED TO HUMAN RIGHTS, ETHNIC CLEANSING, AND GENOCIDE DOCUMENTED IN THE UNITED STATES RECORD RELATING TO THE ARMENIAN GENOCIDE

Mr. DURBIN (for himself, Mr. ENSIGN, Mr. SCHUMER, Ms. SNOWE, Ms. STABENOW, Mr. COLEMAN, Mrs. BOXER, Mr. SUNUNU, Mr. FEINGOLD, Mr. DODD, Mr. KERRY, Mr. KENNEDY, Mr. LIEBERMAN, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. REED, Mr. ALLARD, Mrs. DOLE, Mr. LAUTENBERG, Mr. BROWN, Ms. KLOBUCHAR, Mr. WHITEHOUSE, and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 106

Whereas the Armenian Genocide was conceived and carried out by the Ottoman Empire from 1915 to 1923, resulting in the deportation of nearly 2,000,000 Armenians, of whom 1,500,000 men, women, and children were killed, 500,000 survivors were expelled from their homes, and which succeeded in the elimination of more than 2,500-year presence of Armenians in their historic homeland;

Whereas, on May 24, 1915, the Allied Powers issued the joint statement of England, France, and Russia that explicitly charged, for the first time ever, another government of committing ''a crime against humanity'';

Whereas that joint statement stated ''the Allied Governments announce publicly to the Sublime Porte that they will hold personally responsible for these crimes all members of the Ottoman Government, as well as those of their agents who are implicated in such massacres'';

Whereas the post-World War I Turkish Government indicted the top leaders involved in the ''organization and execution'' of the Armenian Genocide and in the ''massacre and destruction of the Armenians'';

Whereas in a series of courts-martial, officials of the Young Turk Regime were tried and convicted on charges of organizing and executing massacres against the Armenian people;

Whereas the officials who were the chief organizers of the Armenian Genocide, Minister of War Enver, Minister of the Interior Talaat, and Minister of the Navy Jemal, were tried by military tribunals, found guilty, and condemned to death for their crimes, but the punishments imposed by the tribunals were not enforced;

Whereas the Armenian Genocide and the failure to carry out the death sentence against Enver, Talaat, and Jemal are documented with overwhelming evidence in the national archives of Austria, France, Germany, Russia, the United Kingdom, the United States, the Vatican, and many other countries, and this vast body of evidence attests to the same facts, the same events, and the same consequences;

Whereas the National Archives and Records Administration of the United States holds extensive and thorough documentation on the Armenian Genocide, especially in its holdings for the Department of State under Record Group 59, files 867.00 and 867.40, which are open and widely available to the public and interested institutions;

Whereas the Honorable Henry Morgenthau, United States Ambassador to the Ottoman Empire from 1913 to 1916, organized and led protests by officials of many countries, among them the allies of the Ottoman Empire, against the Armenian Genocide;

Whereas Ambassador Morgenthau explicitly described to the Department of State the policy of the Government of the Ottoman Empire as ''a campaign of race extermination'', and was instructed on July 16, 1915, by Secretary of State Robert Lansing that the ''Department approves your procedure . . . to stop Armenian persecution'';

Whereas Senate Concurrent Resolution 12, 64th Congress, agreed to July 18, 1916, resolved that ''the President of the United States be respectfully asked to designate a day on which the citizens of this country may give expression to their sympathy by contributing funds now being raised for the relief of the Armenians,'' who, at that time, were enduring ''starvation, disease, and untold suffering'';

Whereas President Woodrow Wilson agreed with such Concurrent Resolution and encouraged the formation of the organization

known as Near East Relief, which was incorporated by the Act of August 6, 1919, 66th Congress (41 Stat. 273, chapter 32);

Whereas, from 1915 through 1930, Near East Relief contributed approximately $116,000,000 to aid survivors of the Armenian Genocide, including aid to approximately 132,000 Armenian orphans;

Whereas Senate Resolution 359, 66th Congress, agreed to May 11, 1920, stated in part that ''the testimony adduced at the hearings conducted by the subcommittee of the Senate Committee on Foreign Relations have clearly established the truth of the reported massacres and other atrocities from which the Armenian people have suffered'';

Whereas such Senate Resolution followed the report to the Senate of the American Military Mission to Armenia, which was led by General James Harbord, dated April 13, 1920, that stated ''[m]utilation, violation, torture, and death have left their haunting memories in a hundred beautiful Armenian valleys, and the traveler in that region is seldom free from the evidence of this most colossal crime of all the ages'';

Whereas, as displayed in the United States Holocaust Memorial Museum, Adolf Hitler, on ordering his military commanders to attack Poland without provocation in 1939, dismissed objections by saying ''[w]ho, after all, speaks today of the annihilation of the Armenians?'' and thus set the stage for the Holocaust;

Whereas Raphael Lemkin, who coined the term ''genocide'' in 1944, and who was the earliest proponent of the Convention on the Prevention and Punishment of Genocide, invoked the Armenian case as a definitive example of genocide in the 20th century;

Whereas the first resolution on genocide adopted by the United Nations, United Nations General Assembly Resolution 96(1), dated December 11, 1946, (which was adopted at the urging of Raphael Lemkin), and the Convention on the Prevention and Punishment of Genocide, done at Paris December 9, 1948, recognized the Armenian Genocide as the type of crime the United Nations intended to prevent and punish by codifying existing standards;

Whereas, in 1948, the United Nations War Crimes Commission invoked the Armenian Genocide as ''precisely . . . one of the types of acts which the modern term 'crimes against humanity' is intended to cover'' and as a precedent for the Nuremberg tribunals;

Whereas the Commission stated that ''[t]he provisions of Article 230 of the Peace Treaty of Sevres were obviously intended to cover, in conformity with the Allied note of 1915 . . . offenses which had been committed on Turkish territory against persons of Turkish citizenship, though of Armenian or Greek race. This article constitutes therefore a precedent for Article 6c and 5c of the Nuremberg and Tokyo Charters, and offers an example of one of the categories of 'crimes against humanity' as understood by these enactments'';

Whereas House Joint Resolution 148, 94th Congress, adopted by the House of Representatives on April 8, 1975, resolved that ''April 24, 1975, is hereby designated as 'National Day of Remembrance of Man's Inhumanity to Man', and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day as a day of remembrance for all the victims of genocide, especially those of Armenian ancestry'';

Whereas Proclamation 4838 of April 22, 1981 (95 Stat. 1813) issued by President Ronald Reagan, stated, in part, that ''[l]ike the genocide of the Armenians before it, and the genocide of the Cambodians which followed it—and like too many other persecutions of too many other people—the lessons of the Holocaust must never be forgotten'';

Whereas House Joint Resolution 247, 98th Congress, adopted by the House of Representatives on September 10, 1984, resolved that ''April 24, 1985, is hereby designated as 'National Day of Remembrance of Man's Inhumanity to Man', and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day as a day of remembrance for all the victims of genocide, especially the one and one-half million people of Armenian ancestry'';

Whereas, in August 1985, after extensive study and deliberation, the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities voted 14 to 1 to accept a report entitled ''Study of the Question of the Prevention and Punishment of the Crime of Genocide'', which stated ''[t]he Nazi aberration has unfortunately not been the only case of genocide in the 20th century. Among other examples which can be cited as qualifying are . . . the Ottoman massacre of Armenians in 1915–1916'';

Whereas such report also explained that ''[a]t least 1,000,000, and possibly well over half of the Armenian population, are reliably estimated to have been killed or death marched by independent authorities and eyewitnesses and this is corroborated by reports in United States, German, and British archives and of contemporary diplomats in the Ottoman Empire, including those of its ally Germany'';

Whereas the United States Holocaust Memorial Council, an independent Federal agency that serves as the board of trustees of the United States Holocaust Memorial Museum pursuant to section 2302 of title 36, United States Code, unanimously resolved on April 30, 1981, that the Museum would exhibit information regarding the Armenian Genocide and the Museum has since done so;

Whereas, reviewing an aberrant 1982 expression by the Department of State (which was later retracted) that asserted that the facts of the Armenian Genocide may be ambiguous, the United States Court of Appeals for the District of Columbia in 1993, after a review of documents pertaining to the policy record of the United States, noted that the assertion on ambiguity in the United States record about the Armenian Genocide ''contradicted longstanding United States policy and was eventually retracted'';

Whereas, on June 5, 1996, the House of Representatives adopted an amendment to H.R. 3540, 104th Congress (the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997), to reduce aid to Turkey by $3,000,000 (an estimate of its payment of lobbying fees in the United States) until the Government of Turkey acknowledged the Armenian Genocide and took steps to honor the memory of its victims;

Whereas President William Jefferson Clinton, on April 24, 1998, stated, ''This year, as in the past, we join with Armenian-Americans throughout the nation in commemorating one of the saddest chapters in the history of this century, the deportations and massacres of a million and a half Armenians in the Ottoman Empire in the years 1915–1923'';

Whereas President George W. Bush, on April 24, 2004, stated, ''On this day, we pause in remembrance of one of the most horrible tragedies of the 20th century, the annihilation of as many as 1,500,000 Armenians through forced exile and murder at the end of the Ottoman Empire''; and

Whereas, despite the international recognition and affirmation of the Armenian Genocide, the failure of the domestic and international authorities to punish those responsible for the Armenian Genocide is a reason why similar genocides have recurred and may recur in the future, and that a just resolution will help prevent future genocides: Now, therefore, be it

Resolved, That the Senate—

(1) calls on the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide and the consequences of the failure to realize a just resolution; and

(2) calls on the President, in the President's annual message commemorating the Armenian Genocide issued on or about April 24 to accurately characterize the systematic and deliberate annihilation of 1,500,000 Armenians as genocide and to recall the proud history of United States intervention in opposition to the Armenian Genocide.

Mr. DURBIN. Mr. President, I rise today to submit a resolution calling on the President to ensure that the foreign policy of the United States reflects an appropriate understanding of the Armenian Genocide and sensitivity concerning issues related to human rights, ethnic cleansing, and other mass atrocities that made up the Armenian Genocide.

The President usually issues an annual message commemorating the Armenian Genocide issued on or about April 24. This resolution calls on the President to accurately characterize what happened to the Armenian people as genocide and to recall the proud history of United States intervention in opposition to it.

The definition of ''genocide'' is ''the deliberate and systematic extermination of a national, racial, political, or cultural group.''

Scholars agree that what the Armenian people suffered in 1915 to 1917 fits the definition of genocide.

The sheer scale of the death toll is evidence of a systematic, organized plan to eliminate the Armenians. One and a half million people were systematically and deliberately annihilated, many simply left to die of starvation and exposure.

To date, 19 countries and the European Parliament have officially recognized this violence as genocide. Countries officially recognizing the Armenian Genocide include: Argentina, Armenia, Belgium, Canada, Cyprus, France, Greece, Italy, Lebanon, Lithuania, The Netherlands, Poland, Russia, Slovakia, Sweden, Switzerland, Uruguay, Vatican City and Venezuela.

Thirty-seven States of the United States recognize the Armenian Genocide. They are: Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington and Wisconsin.

Genocide is wrong. It is evil.

It is evil whether its victims are Armenians, Sudanese, Rwandan Tutsis, Cambodians or European Jews.

Not to acknowledge genocide for what it is denigrates the memory of its victims.

Recognition of genocide is part of the healing process.

Reminding the world that genocide has occurred far too often serves to help prevent it from happening again.

Recognizing the Armenian Genocide takes on added importance in the face of the genocide occurring right now in the Darfur region of Sudan.

As we recognize the role Americans played in exposing the Armenian Genocide and trying to relieve the suffering of the Armenian people, we remind ourselves that it is our tradition to speak out and do something.

During the Armenia Genocide, American consuls and missionaries, in what was then the Ottoman Empire, reported the atrocities which were taking place far from the capital in Istanbul. Our ambassador, Henry Morganthau Sr., confronted the Ottoman government with the accusations.

Ambassador Morganthau wrote in his memoirs:

> Whatever crimes the most perverted instincts of the human mind can devise, and whatever refinements of persecution and injustice the most debased imagination can conceive, became the daily misfortunes of this devoted people. I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared with the sufferings of the Armenian race in 1915.

The American Near East Relief Committee, a relief organization for refugees in the Middle East, raised over $102 million for Armenians both during and after the genocide.

As I have said in this Chamber before, the response to the atrocities was the birth of the American international human rights movement.

Official recognition of the role Americans played in confronting the Armenian Genocide over 90 years ago will reaffirm our tradition of protecting the vulnerable and inspire us to not stand by and watch as genocide occurs in our time.

Mr. ENSIGN. Mr. President, I rise today to speak about an issue of great importance to the Armenian community. In order to move forward, we must not repeat the mistakes of the past. It is for this reason that I have long sought to bring proper recognition to the crimes perpetuated against the Armenian people.

April of this year will mark the 92nd anniversary of the attempted annihilation that occurred in the Ottoman Empire from 1915–1923. Millions of Armenians of all ages were subjected to deportation, expropriation, abduction, torture, massacre, and starvation.

The great bulk of the Armenian population was forcibly removed from Armenia and Anatolia to Syria, where the vast majority was sent into the desert to die of thirst and hunger. Large numbers of Armenians were methodically massacred throughout the Ottoman Empire. Women and children were abducted and horribly abused.

There is one word that describes the horrific attempt to annihilate the Armenian people, and it is genocide. Ironically, while the United States has failed to make that recognition, Adolf Hitler, in defending his own plans to rid the world of Polish people, among others, asked, ''Who, after all, speaks to-day of the annihilation of the Armenians?''

The resolution I introduce today, with my distinguished colleague Senator DURBIN, calls on President Bush to ensure that the foreign policy of the United States demonstrates significant understanding of the issues surrounding the Armenian Genocide. The resolution encourages the President to commemorate the Armenian Genocide by recognizing the persecution and extermination of over 1,500,000 Armenian citizens as genocide.

The resolution calls on the President to state that the slaughter of Armenians by the Ottoman Empire was genocide and to recall the proud history of United States intervention in opposition to the Armenian genocide. It is important that the United States once and for all reaffirms the incontestable facts of history and allows our representatives to speak out about the crimes perpetuated against the Armenian people from 1915–1923.

It is my hope that through recognition of these crimes our Nation and the entire world community will be able to prevent further instances of genocide, ameliorate relations between Turkey and Armenia, and increase awareness of issues such as ethnic cleansing and human rights around the globe.

As we fight to ensure freedom around the globe, we must ensure that our future reflects the lessons of the past. In this case the facts are incontestable. Yes, the Armenian people were victims of genocide. Genocide at any time, at any place, is wrong and needs to be confronted and remembered. Let us come together to remember that by recognizing that what happened to the Armenian people from 1915–1923 was genocide. We owe it to the victims and to the future of freedom.

Mrs. FEINSTEIN. Mr. President, as we approach the 92nd anniversary of the Armenian Genocide, I rise today in support of a resolution introduced by Senator RICHARD DURBIN, calling on the President to recognize the Armenian Genocide.

Specifically, this resolution would: encourage the President to incorporate the memory and lessons of the Armenian Genocide into the foreign policies of the United States, and; urge the President to accurately portray this terrible episode as ''genocide'' in his annual statement.

Between 1915 and 1923, as many as 1.5 million Armenians perished and 500,000 were exiled by the Ottoman government in a systematic campaign of murder, deportation, and forced starvation.

Ninety-two years later, nearly all of the survivors are no longer with us. Yet their solemn voices still echo, urging us to remember them and work to ensure that their suffering was not in vain.

In my 15 years in the U.S. Senate, I have received thousands of letters from members of the Armenian-American community in my home State of California, encouraging our government to recognize the Armenian Genocide. Many of them are descendants of the genocide's survivors, who immigrated to the United States and, over the course of a few decades, built a strong and vibrant community in California and elsewhere.

For the genocide's victims, there can be no justice. But by preserving and cherishing their memory, we can begin healing the wounds that still linger.

The recent murder of Hrant Dink, a Turkish-Armenian journalist who championed human rights and advocated Turkish recognition of the Armenian Genocide, serves as a chilling reminder of the dangers that loom in our silence. An open, informed, and tolerant discussion of the genocide is necessary for true and lasting reconciliation between present-day Turkey and the Armenian people.

Equally important, recalling the Armenian Genocide is essential to the prevention of ongoing and future atrocities, including the genocide in Darfur. By taking an unequivocal stance against genocide—regardless of where or when it occurs—we and other members of the international community will send a strong message that such atrocities will not be tolerated. Let us remember Adolf Hitler's ominous words on the eve of the 1939 Nazi invasion of Poland: ''Who, after all, speaks today of the annihilation of the Armenians?''

So today, let us speak loudly. Let us join the hundreds of thousands of Armenian Americans in my home State of California and across the United States, as well as millions of people around the world, in acknowledging and commemorating the Armenian Genocide. Let us ensure that the legacy of these atrocities is one of reconciliation and hope. And let us fulfill the promises our parents made us, and we made to our children: never again.

SENATE CONCURRENT RESOLUTION 19—EXPRESSING THE SENSE OF CONGRESS ON THE NUCLEAR PROGRAM OF IRAN

Mr. GRAHAM (for himself and Mr. BROWNBACK) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 19

> Whereas President of Iran Mahmoud Ahmadinejad refuses to abandon the uranium enrichment program of the Government of Iran, and continues to work towards advancing that program;

Whereas the United Nations Security Council unanimously passed Security Council Resolution 1737 on December 23, 2006, which imposed sanctions on trade and expertise related to the nuclear infrastructure of Iran and the transfer to Iran of International Atomic Energy Agency technical aid;

Whereas United Nations Security Council Resolution 1737 (2006) states that if Iran refuses to comply with the Resolution within 60 days, the Security Council ''shall adopt further appropriate measures under Article 41 of Chapter VII of the Charter of the United Nations to persuade Iran to comply with this resolution and the requirements of the IAEA, and underlines that further decisions will be required should such additional measures be necessary'';

Whereas, according to a report issued by the International Atomic Energy Agency on February 21, 2007, Iran failed to comply with United Nations Resolution 1737 within 60 days;

Whereas the refusal of the Government of Iran to comply with International Atomic Energy Agency orders to prove the peaceful intent of its nuclear program and with United Nations Security Council Resolution 1737 (2006) indicates that the efforts of the Government of Iran toward uranium enrichment are not for peaceful means;

Whereas the Government of Iran has contributed to instability in the Middle East and has shown itself unwilling to use its influence to support peaceful transformation in the region, including by demonstrating its ability to strike United States military forces and allies in the Middle East with missiles, by being either incapable or unwilling to stop the movement of weapons produced in Iran into Iraq and other countries in the region in support of violent religious extremism, and by the continued assertion of President Ahmadinejad that Israel will be ''wiped off the map'' and the consistent denial by President Ahmadinejad of the existence of the holocaust, as evidenced through the hosting of an ''International Conference to Review the Global Vision of the Holocaust'' on December 11, 2006;

Whereas John Michael McConnell, Director of National Intelligence, indicated in a hearing of the Committee on Armed Services of the Senate on February 27, 2007, that economic sanctions on Iran uniformly applied by the international community could have a major effect on the economy of Iran;

Whereas the placement and implementation of sanctions on countries such as North Korea and Libya have made progress in bringing about change;

Whereas, despite the release of an internal European Union document dated February 7, 2007, which indicated that European Union officials believe that preventing Iran from developing a nuclear weapon is not likely, on February 12, 2007, the European Union agreed, in compliance with United Nations Security Council Resolution 1737 (2006), to impose limited sanctions on Iran in order to prevent the sale of materials and technology that could be used in Iran's nuclear program; and

Whereas full economic sanctions on the part of the entire international community have not been applied to Iran: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the nuclear program of the Government of Iran continues to be of grave concern and should be considered a serious threat to the United States and its military forces and personnel in the Middle East, and to United States allies and interests in Europe, the Middle East, and Asia;

(2) as a result of the failure of Iran to comply with United Nations Security Resolution 1737 (2006), the United Nations Security Council should implement additional sanctions in order to persuade Iran to comply with requirements imposed by the International Atomic Energy Agency;

(3) full economic sanctions, uniformly imposed by the entire international community, including Russia and China, offer the best opportunity to bring about significant change in Iran to prevent the development of a nuclear weapon in Iran; and

(4) the elimination of the threat of a nuclear Iran is in the long term interest of the people of Iran, the region, and the world.

AMENDMENTS SUBMITTED AND PROPOSED

SA 458. Mr. BIDEN (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 494, to endorse further enlargement of the North Atlantic Treaty Organization (NATO) and to facilitate the timely admission of new members to NATO, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 458. Mr. BIDEN (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 494, to endorse further enlargement of the North Atlantic Treaty Organization (NATO) and to facilitate the timely admission of new members to NATO, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, line 19, insert ''(FYROM)'' after ''Macedonia''.

On page 12, line 22, insert ''(FYROM)'' after ''Macedonia''.

On page 14, line 7, insert ''(FYROM)'' after ''Macedonia''.

On page 14, line 9, insert ''**(FYROM)**'' after ''**MACEDONIA**''.

On page 15, line 6, insert ''(FYROM)'' after ''MACEDONIA''.

On page 15, line 6, insert ''(FYROM)'' after ''Macedonia''

On page 15, line 20, insert ''(FYROM)'' after ''Macedonia''.

On page 17, line 3, insert ''(FYROM)'' after ''Macedonia''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, March 14, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on ''Charting a Course for Health Care Reform: Moving Toward Universal Coverage.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 14, 2007 at 2:30 p.m. to hold a hearing on the Philippines.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, March 14, 2007, at 10 a.m., in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing on drug safety during the session of the Senate on Wednesday, March 14, 2007, at 10:15 a.m., in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, March 14, 2007, at 9:30 a.m., for a hearing titled ''The Threat of Islamic Radicalism to the Homeland.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Open Government: Reinvigorating the Freedom of Information Act'' on Wednesday, March 14, 2007, at 10 a.m., in Dirksen Senate Office Building room 226.

Witness List

Tom Curley, President and CEO of the Associated Press, Representing the Sunshine in Government Initiative, New York, NY; Meredith Fuchs, General Counsel, The National Security Archive, Washington, DC; Sabina Haskell, Editor, Brattleboro Reformer, Brattleboro, VT; and Katherine Cary, General Counsel, Texas Office of the Attorney General, Austin, TX.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, March 14, 2007, at 10 a.m., to conduct a hearing on S. 223, The Senate Campaign Disclosure Parity Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the privilege of the floor be granted to a fellow in my office, Jonathan Burke, for the

duration of the debate on S.J. Res. 9, the Iraq resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISCHARGE AND REFERRAL—H.R. 399

Mr. SANDERS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 399 and the bill be referred to the Committee on Environment and Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, MARCH 15, 2007

Mr. SANDERS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Thursday, March 15; that on Thursday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day and that there then be a period of 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 Republicans and the next 30 minutes under the control of the majority; that the period of morning business be extended for an additional 30 minutes, with that time equally divided and controlled between the two leaders or their designees; that during the adjournment all time count postcloture and all time in morning business count postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SANDERS. If there is no further business to come before the Senate, and if the Republican leader has no further business today, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:28 p.m., adjourned until Thursday, March 15, 2007, at 9:30 a.m.

EXTENSIONS OF REMARKS

IN HONOR OF STEPHEN J. SOLARZ

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Ms. PELOSI. Madam Speaker, next week, one of our most respected former colleagues, Stephen J. Solarz, will receive the President's Award from the International Crisis Group for his role in the creation of that highly respected organization and his other vital contributions to international public policy. This award is richly deserved, and calls to attention the accomplishments of this remarkable public servant.

His career in public office—which included 6 years of service in the New York State Assembly and 18 years representing Brooklyn's 13th district in this chamber—was characterized by tireless advocacy, unyielding resolve, historic vision, and a deep sense of civic duty.

His career was marked by exceptionally strong service in the international arena. Mr. Solarz served for 18 years on the House Foreign Affairs Committee, including service as Chairman of the Subcommittee on Asian and Pacific Affairs, and the Subcommittee on Africa. His record of achievement mirrors the historic and positive changes that occurred in the world during that period, A champion of human rights and democracy, his name figures prominently in the history of South Africa for his efforts to help end apartheid and build a non-racial democracy; in the Philippines for his tireless work in supporting democratic transformation and good governance; and in Cambodia for his public and private initiatives to help build a sustainable peace and national reconciliation in the wake of tragic mass killings. His vision in promoting democratization and European integration of the nations of Central and Eastern Europe following the fall of the Berlin Wall was essential in promoting peace and stability throughout the European continent.

His deep-seated resolve to contribute to international peace and justice did not cease after he retired from Congress in 1993. Mr. Solarz then served President Clinton as special envoy to Cambodia and as Chair to the Board of the Central Asian-American Enterprise Fund. He has stayed active since then, contributing frequently to the public discourse on international events through his writings and teachings.

Mr. Solarz also played a vital role in the creation and early leadership of the International Crisis Group, which has emerged as a respected conflict prevention and resolution organization. As part of a group of prominent international citizens and foreign policy specialists who were appalled by the international community's failure to respond to crises of the mid-1990s in Somalia, Bosnia, and Rwanda, Mr. Solarz recognized the need for an organization, wholly independent of any government that would help governments, international organizations, and the world community to prevent, contain, and resolve deadly conflict. In the early stages of its formation, Mr. Solarz traveled to two dozen countries to discuss the proposed organization, garner support, and raise funds. The vision of that group was realized, and Mr. Solarz went on to serve first as the organization's first vice chairman and now serves on its board of trustees.

It is with great pride and admiration that I join the International Crisis Group in celebrating this great American and distinguished veteran of the House of Representatives. I thank his wife of 38 years, Nina Koldin, and his two children for sharing their husband and father with us. I am proud to pay tribute to Stephen Solarz for his contributions to the people of New York, the United States, and the entire world.

SUPPORT FOR FARMERS AND RANCHERS

HON. NANCY E. BOYDA

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mrs. BOYDA of Kansas. Madam Speaker, I rise today in support of the upcoming 2007 fiscal year supplemental appropriations bill.

Much of the debate on this bill has focused, quite rightly, on the provisions that codify President Bush's benchmarks for Iraq into law. That is an important subject that I plan to discuss in depth later this week.

But today I wish to focus on another element of this bill, one that is of vital importance to the farmers and ranchers of the Second District of Kansas.

America's agricultural industry is in the midst of a calamity. Fully 70 percent of U.S. counties were declared disaster areas by the Department of Agriculture in 2006. Believe it or not, this was an improvement from 2005, when 80 percent of all counties were declared disasters. In my home state of Kansas, every single county is suffering from disaster conditions.

It is hard to express the frustration of the farmers I speak to in my district. Many have worked the same acreage for decades, and they feel a profound connection to their land: They trust that, if they treat their land right, if they plow its soil and plant it carefully and tend it for the many months before harvest, it will reward them with enough crops to earn a living.

But lately, as disaster conditions have stretched out into every corner of Kansas, the land has betrayed our farmers and ranchers. William Norman, Jr., a farmer from Leavenworth County, is fighting to make ends meet now that his corn production has plummeted by two-thirds. Frances Ford, a rancher in Coffey County, is struggling to feed her cattle off of only half of her ordinary hay yield.

These are good, hardworking people who put food on America's plates every single day. But their land has betrayed them—and sadly, Congress has betrayed them, too.

Despite the magnitude of the current agricultural catastrophe, Congress has failed to provide sufficient agricultural assistance. We have abandoned our farmers and ranchers to a massive and ongoing natural disaster.

The 2007 supplemental bill rights this wrong. It provides $3.7 billion in agriculture disaster relief, which will help Kansans continue to farm and ranch in spite of the ever-present threats of drought, fire, and other catastrophes.

Our farming and ranching communities needs a government that supports them during their most difficult hours. Now Congress has an opportunity to meet their needs, to serve as a steward of the agricultural industry.

A vote for the supplemental bill is a vote for our farmers and ranchers.

IN PRAISE OF ''PRESIDENTIAL SERVICE AWARD'' WINNER, MELISSA MORGAN

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. WALBERG. Madam Speaker, I rise today to honor a special young lady, a constituent of mine, Ms. Melissa Morgan of Hillsdale, Michigan. Ms. Morgan is a recipient of the highest level of the ''Presidential Service Award,'' the Gold Level, honoring her dedication to Hillsdale community through her volunteer efforts.

Ms. Morgan is a student at Hillsdale High School where she has been involved with several extracurricular activities which include: soccer, basketball and volleyball, as well as cross country. Melissa was the Vice President of the Hillsdale High School National Honor Society, senior class representative for student council and also a participant in the Student Statesmanship Institute. This is just a short list of the activities Melissa has participated in at Hillsdale High School.

Madam Speaker, those activities which I have just named are impressive, however, Ms. Morgan's volunteer efforts are the heart of the ''Presidential Service Award.'' In his 2002 State of the Union address, President George W. Bush called on all Americans to increase volunteerism within their communities. From this call to action came the President's Council on Service and Civic Participation in 2003 which sought out ways to recognize outstanding volunteers, such as Melissa Morgan. The Council created President's Service Award Program and the Presidential Service Award.

The Gold Level of the ''Presidential Service Award,'' requires young adults, such as Ms. Morgan, to volunteer two hundred fifty hours or more of their time. Ms. Morgan has eclipsed this threshold almost five times, netting just below 1200 volunteer hours. I will highlight just a few of Melissa's volunteer activities; Spanish assistant and tutor—180

hours, Key Club volunteer—200 hours, 40 hours dedicated to organizing and running a children's sports camp raising money for Hurricane Katrina victims and 10 hours volunteered with Habitat for Humanity.

Melissa Morgan is a great example of everything right with America and is a reflection of the spirit of a true Michigander, selfless and fighting for a cause greater then themselves. I am pleased to congratulate Melissa Morgan on her achievement of the ''Presidential Service Award,'' and I commend her for her work.

CALLING FOR RELEASE OF ISRAELI SOLDIERS HELD CAPTIVE BY HAMAS AND HEZBOLLAH

SPEECH OF

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 2007

Mr. COSTELLO. Mr. Speaker, I rise today in support of H. Res. 107, a resolution calling for the immediate release of Israeli soldier Gilad Shalut by Hamas, as well as urging Hezbollah to accept the mandate of the U.N. Security Council Resolution by immediately releasing Israeli soldiers Ehud Goldwasser and Eldad Regev.

Israel has taken dramatic steps in recent years to bring about peace in the Middle East, including removing all forces from Lebanon and in 2005 unilaterally withdrawing from Gaza. In return, Israel continues to be threatened by Hezbollah, which is backed and encouraged by Iran and Syria, and Hamas, which controls the Palestinian Authority. Neither group recognizes Israel's right to exist and refuses to seek democracy and peace.

Mr. Speaker, by passing H. Res. 107, we have made a clear statement that these soldiers should be released, and that the United States will stand with Israel while continuing to work with the international community to bring peace to the region. I urge my colleagues to support H. Res. 107.

RECOGNIZING THE YOUNG MEN'S LEAGUE OF GUAM FOR SERVICE TO THE COMMUNITY

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Ms. BORDALLO. Madam Speaker, I rise to commend the members of the Young Men's League of Guam, the YMLG, for their service to our community for over 90 years. YMLG is perhaps the oldest, active non-profit organizations in my home district, continuing to provide dedicated and honorable volunteer service to this day. The YMLG contributes immensely to help the homeless, the medically indigent, and less fortunate in Guam, as well as the elderly at St. Dominic's Geriatric Care Facility. They also support and assist other charity organizations.

Since its founding in 1917, the Young Men's League of Guam has remained true to its mission to uphold and defend the principles of good government by instilling among its members a sense of individual obligation to our community, as well as fostering and promoting friendship, camaraderie, closer understanding and respect among themselves as unique equals. Also known proudly as ''I Inetnon Lalåhen Guåhan,'' the Young Men's League of Guam continues to be a strong proponent for the preservation and advancement of the indigenous culture, language, heritage and traditions of the Chamorros of Guam and the Marianas. YMLG annually sponsors the ''Silabrasion Chamorro'' Student Oratorical, Essay, and Writing Competitions.

As its name proclaims, the Young Men's League of Guam has always sought to harness the talents and instill a sense of community obligation among up-and-coming young men as they take their places in our society. Educational and Recreational promotion of youth continues through scholarships, financial contributions, and sponsorships. Today, many members continue active membership, even though they are well into their senior years.

Madam Speaker, YMLG's membership roster is a ''Who's Who'' of 20th Century Guam history. Indeed, the legacies of its charter officers—Mr. Leon Flores, president; Mr. Jose Duenas, vice president; Mr. Manuel Ulloa, secretary; Mr. Adriano Cristobal; and Mr. Vicente Arriola, librarian/historian—live on through their offspring and beyond. President Flores was the father of Guam's first Roman Catholic bishop and archbishop, the late Felixberto C. Flores. Vice President Duenas was the father of retired U.S. District Court Judge Cristobal C. Duenas and the brother of Father Jesus Baza Duenas, who was executed during the occupation of Guam in World War II. Secretary Ulloa was a prominent and a long-time island educator. Treasurer Cristobal was the grandfather of Superior Court Presiding Judge Alberto C. Lamorena; and YMLG Historian Arriola was the father of former Speaker Joaquin C. Arriola. Indeed, all the Chamorro Governors of Guam, appointed and elected, were members of the Young Men's League of Guam at some point in their public careers. They include the late Joseph Flores, the late Manuel F.L. Guerrero, and the late Carlos G. Camacho, father of our current governor, Felix P. Camacho, who is a YMLG member himself. Former governors Paul M. Calvo, Joseph F. Ada, and Carl T.C. Gutierrez were YMLG members as well. My late husband, Ricardo J. Bordallo, who served two terms as governor of Guam, and my late father-in-law, Balthazar J. Bordallo, who served in both the pre-war bicameral Guam Congress, as Chairman of the upper House of Council, and the postwar Guam Legislature, were lifelong members, as was Governor Calvo's father, Eduardo T. Calvo, and Francisco B. Leon Guerrero, who, with my father-in-law, was known as the fathers of the Organic Act of Guam.

HONORING THE STAFF OF FAIRVIEW SOUTHDALE HOSPITAL AND FRIENDS OF THE ORPHANS MINNESOTA REGION MARCH 13, 2007

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Ms. McCOLLUM of Minnesota. Madam Speaker, today I rise to honor a group of Minnesotans who exemplify the great spirit of American compassion, generosity and human ingenuity by making a difference in the lives of a group of orphans living in El Salvador. I especially want to thank the staff and volunteers of both Friends of the Orphans Minnesota Region who helped facilitate arrangements for five Salvadoran orphans to have eye surgery in Minnesota earlier this year.

Claudia Vanessa Vasquez Ramos, age 18; Estela Martinez Perdomo, age 18; Hector Lopez Jovel, age 10; Jonas Perez, age 6 and Brian Stanley Lemus, age 5 were born with strabismus, commonly known as cross or unaligned eyes. When Minnesota residents learned about these orphans, and that corrective surgery for strabismus is not available in El Salvador, they worked with Friends of the Orphans to bring them to Minnesota for surgery. Mr. Nestor Jaramillo arranged surgeons and nurses at Fairview Southdale Hospital to perform the surgery, while Friends of the Orphans made flight arrangements and helped to coordinate host families.

On January 18th, the children arrived in Minnesota, and their successful surgeries were performed the following day. The day after their surgeries, I had the opportunity to meet these young people at Our Lady of Grace Church in Edina, Minnesota, and experienced firsthand their excitement with their new, corrected vision. By January 22nd, they returned to El Salvador with a much brighter outlook for the future in their home country.

I am pleased to honor the generosity of doctors, pediatricians, and nurses at Fairview Southdale Hospital in Edina, Minnesota, who through the donation of their skills and time to perform the surgeries, gave a life-long gift to these orphans.

Fairview Southdale Hospital surgeons and nurses: Marshall Everson, M.D.; S. Jafar Hassan, M.D.; Mathew Jones, pediatrician; Thomas LeFebreve, pediatrician; Linda Rosengren, R.N.; Barbara Resendez, R.N.; George Markuson, surgical tech; Christine Volp, C.R.N.A.; Dennis Bless, C.R.N.A.; Dr. Suzanne Shearen, M.D.A.; Becky Hagemann, R.N.; Jan Johnson, R.N.; Sharon Cegla, R.N.; Shirley Holton, R.N.; Kristi Bahnemann, R.N.; Susan Hahn, health unit coordinator; Brad Beard, President of Fairview Southdale Hospital; Nestor Jaramillo, Jr., Vice-President of Sales and Marketing; Bonnie Herda, director of periop services; Julie Hennen, communications and marketing staff.

In addition I want to recognize the extraordinary individuals, families, groups and organizations that have offered their hearts to make a difference in the lives of these orphans:

Friends of the Orphans Minnesota Region and its entire staff: Judy Hawkinson, Charlene Dick, Gail Duer, Erin Dirksen and Mackenzie Wheeler.

Host families: Nestor and Laurie Jaramillo, Stephen and Elizabeth Smith, John and Mary O'Toole.

Nuestros Pequenos Hermandos (NPH) Central America: Father Ron Hicks.

The U.S. Embassy in San Salvador: thanks to Consul General Virginia Hotchner and the entire staff of the Consular Section for their assistance in providing non-immigrant visas for the children.

Mr. Chao Lee from my St. Paul office: special thanks to Chao for his hard work and tenacity in working with Friends of the Orphans and the U.S. Embassy in San Salvador to secure non-immigrant visas for the children.

Madam Speaker, in honor of the staff of Friends of the Orphans, U.S. Embassy staff in San Salvador, and the doctors, pediatricians and nurses of the Fairview Southdale Hospital and compassionate citizens who made an impact on the lives of the five Salvadoran orphans, I submit this statement for the official CONGRESSIONAL RECORD.

INTRODUCTION OF THE BAY AREA REGIONAL WATER RECYCLING PROGRAM AUTHORIZATION ACT OF 2007

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. GEORGE MILLER of California. Madam Speaker, today I am pleased to be joined by many of my colleagues in introducing legislation to help the San Francisco Bay Area to solve its water challenges. The bill is a revision of legislation I first introduced in the 109th Congress, and will provide local agencies with the Federal partner that they need to implement an ambitious and forward-thinking regional water recycling program.

The City of Pittsburg and the Delta Diablo Sanitation District, in my congressional district, have been leading the charge, investing time, energy, and local funds in developing water recycling projects to help meet regional water needs.

My new legislation, the Bay Area Regional Water Recycling Program Authorization Act of 2007, would authorize a federal partner for the effort in Pittsburg, as well as for similar programs in Antioch, Palo Alto, Mountain View, Pacifica, South Santa Clara County, Redwood City, and San Jose.

We put the tools for these Federal-local water recycling partnerships in place with the historic Reclamation Projects Authorization and Adjustment Act of 1992, which not only included my Central Valley Project Improvement Act but featured a provision now known simply as the ''Title XVI'' water recycling program.

In my introductory remarks for last year's version of the bill, I made the case for the Title XVI program and the importance of water recycling. Although the Bush administration continues to oppose funding water recycling, the case has only gotten stronger since then, as evidenced by the breadth of local support for this bill and for the Bay Area Regional Water Recycling Program. I am also including in the record an editorial from the Contra Costa Times supporting the earlier bill.

The Bay Area Regional Water Recycling Program is a collaboration of public utilities that helps to meet our region's and state's growing water needs through a set of recycling and reclamation projects. The projects in this coalition have been repeatedly vetted, both internally at the local level and through each step of the Title XVI review process.

Although these worthy projects have supplied local funding, and secured matching State funding, they still need the Federal partner to step up. There is a clear Federal interest in these projects, as there is in the other successful regional recycling programs like those of Southern California. A good water recycling program stretches existing supplies and provides certainty to all of the water users in the area; conflict can be reduced even in a critically dry year. As we all know, a stable and reliable regional water supply makes good neighbors.

This new bill authorizes the Secretary of the Interior to participate in the following Bay Area water reuse projects: Antioch Recycled Water Project (Delta Diablo Sanitation District, City of Antioch); Pacifica Recycled Water Project (North Coast County Water District); Mountain View/Moffett Area Water Reuse Project (City of Palo Alto, City of Mountain View); Pittsburg Recycled Water Project (Delta Diablo Sanitation District, City of Pittsburg); Redwood City Recycled Water Project; South Santa Clara County Recycled Water Project (Santa Clara Valley Water District, South County Regional Wastewater Authority); and South Bay Advanced Recycled Water Treatment Facility (Santa Clara Valley Water District, City of San Jose).

These seven projects are estimated to make 12,205 acre-feet of water available annually in the short term, and 37,600 acre-feet annually in the long term, all while reducing demand on the Delta and on existing water infrastructure. The new bill also directs the U.S. Bureau of Reclamation to fully fund the San Jose Area Water Reclamation and Reuse Project, first authorized in the original Title XVI legislation.

These programs are a fiscal and environmental win-win, and encouraging them is sound federal policy. I commend my original cosponsors for joining in this effort to support our region's water recycling initiative: Reps. ANNA ESHOO, ELLEN TAUSCHER, TOM LANTOS, MIKE HONDA, ZOE LOFGREN, JERRY MCNERNEY, and PETE STARK.

I'm glad to be working with my Bay Area colleagues to help our region's water reuse program, and I urge my colleagues to support this legislation.

[From the Contra Costa Times, Jan. 25, 2007]

FUND WATER RECYCLING

One of the most effective ways to protect our environment and efficiently use natural resources is recycling. It is particularly true of water, which can be used more than once.

There is no good reason to flush wastewater into rivers, bays, estuaries and the ocean if it can be treated and used again for other purposes such as irrigating parks and golf courses.

That is the philosophy behind six Bay Area water recycling projects ready to begin once they are fully funded. They are in Pittsburg, Antioch, Pacifica, Palo Alto-Mountain View, Redwood City and South Santa Clara County.

The recycled water will be treated and piped to water golf courses, parks, school grounds and roadway medians, and will be used by some businesses.

Half of the money for the projects will come from local sources. One-fourth will come from the state, including Proposition 50 funds. Another one-fourth will come from the federal government under a bill sponsored by Rep. George Miller, D–Martinez.

Pittsburg has taken the lead in the recycling effort, has raised local money, has some of the infrastructure in place and already is doing some recycling. Antioch is not far behind.

Both cities are at the top of the list for the second round of state funding for recycled-water projects.

However, the Department of Water Resources, which can approve the money by administrative decision, needs a bit of prodding by local legislators.

Miller's bill, HR 6218, which has bipartisan support, also needs quick approval.

Together, the six Bay Area projects would recycle nearly 10,000 acre-feet of water per year. That is not a large percentage of the total volume of water used in the area, but it is a significant amount and would help spur more recycling efforts.

The total cost of the six projects is $74.8 million. But the state and federal governments' share is only $18.7 million each. The state money already is available, and there is no reason to believe the federal funds will not be forthcoming.

Recycling is not the only way to meet the Bay Area's and California's water needs, but it must be part of the solution. Not only does it use water effectively, it also reduces pollution of the Delta, San Pablo Bay and San Francisco Bay.

We trust state and federal officials will agree and act quickly to help local efforts to recycle an essential resource.

THE WYLAND FOUNDATION'S PARTNERSHIP WITH THE AQUARIUM OF NIAGARA

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Ms. SLAUGHTER. Madam Speaker, I am pleased to recognize the Wyland Foundation for its outstanding achievements in environmental education programs. Since 1993, the Wyland Foundation has dedicated itself to protecting the earth's oceans by bridging the world of art and science.

The Wyland Foundation is a non-profit organization dedicated to promoting, protecting, and preserving the world's oceans, waterways, and marine life. The foundation, led by the artist Wyland, encourages environmental awareness through education programs, life-size public arts projects, and community events. The Wyland Foundation strives to inspire as many people as possible—especially school children—to learn more about our oceans and aquatic habitats.

Perhaps the Wyland Foundation's best known initiative is the Whaling Walls: Art in Public Places. Through Whaling Walls, the Wyland Foundation works with communities to paint large-scale murals of migrating gray whales, breaching humpbacks, blue whales, and other marine life. The program is predicated on the idea that the best way to teach someone about environmental conservation is to show them what they are conserving.

The 81st Whaling Wall was painted at the Aquarium of Niagara in Niagara Falls, New York in 1998. The project allowed children ranging from three to eighteen years old to

work side-by-side with Wyland to create a beautiful indoor mural. Niagara's Whaling Wall is a regional treasure that has helped foster a greater appreciation and awareness for our world's oceans.

Madam Speaker, I want to again commend the Wyland Foundation for their commitment to protecting the world's oceans, and their partnership with the Aquarium of Niagara.

PERSONAL EXPLANATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. MILLER of Florida. Madam Speaker, I missed rollcall Votes No. 136–138 on March 12, 2007 and rollcall votes No 139–141 on March 13, 2007. It was six suspension votes H.R. 85, the Energy Technology Transfer Act, H. Res. 136, Commending the Girl Scouts of the United States of America on the occasion of their 95th anniversary, and H. Res. 89, Expressing the sense of the House that a day should be established as Dutch-American Friendship Day, H. Res. 64, Expressing the sense of the House that the Government of Bangladesh should immediately drop all pending charges against Bangladeshi journalist Salah Uddin Shoaib Choudhury, H. Res. 228, Recognizing the 186th anniversary of the independence of Greece and celebrating Greek and American Democracy, and H. Res. 222, Expressing the support of the House for the Good Friday Agreement as a blueprint for lasting peace in Northern Ireland, respectively. I was detained and could not make it to the floor for this vote.

If present, I would have voted rollcall Vote No. 136, "yea," roll call Vote No. 137, "yea," rollcall Vote No. 138, "yea," Vote No. 139, "yea," rollcall Vote No. 140, "yea," and rollcall Vote No. 141, "yea."

TRIBUTE TO HARRIS COUNTY JUDGE ROBERT ECKELS

HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. CULBERSON. Madam Speaker, I rise today to pay tribute and wish a happy 50th birthday to my dear friend and colleague, Harris County Judge Robert Eckels. Until last week, Judge Eckels was the presiding officer of the Harris County Commissioners Court—the governing body of the county, and the only member that is elected countywide. The position involves executive, judicial, and legislative functions in the third most populace county in the United States. There are 34 municipalities within the county, including the county seat and the fourth largest city in the country, the City of Houston. More than 1.2 million people live in unincorporated Harris County and rely on the county to be the primary provider of basic government services. The term County Judge in Texas is comparable to a County Executive or County Mayor in other parts of the country.

Judge Eckels has been in public service for more than 25 years. He recently retired from public service after a distinguished career to join the private sector. He and his wife, Jet, are dear friends of mine and my wife, Belinda.

Robert Eckels was first elected to the Texas Legislature in 1982. When he began his service in January of 1983 he was only 25-years-old. Few thought he would have much impact his first year, but he passed 8 of 13 bills in his legislative package. Robert's quiet demeanor frequently led fellow members to urge the enforcement of the "no mumble rule" so they could understand what he was saying, but his understated nature was also key to his success in Austin. He did not care who got credit for passing legislation, so long as it was good law that did not have to fix later. He understands the legislative process, legislative language and the legislative intent as well as anyone I know.

Robert also cared about his colleagues. He would approach Members towards the end of our legislative sessions to ask them how their legislative agendas were coming along. If a Member complained that their most important bill was in trouble in committee or on the House floor, he would help his colleagues amend their priority onto another bill or find some other way to pass their bills.

In 1991 the Texas Monthly Magazine described his character in its biennial article at the end of the Legislative session entitled "The Best and the Worst Legislators." In that piece he was named an Outstanding Legislator for his work in ethics reform and redistricting, "the session's most thankless issues." It said "Eckels wrote a bill that outshone its rivals as silver outshines dirt." Other quotes describe his character, "Eckels is unselfish to the point of being sacrificial. He's the Good Samaritan of the House; he finds hurt people by the side of the road and helps them get well."

In 1994 Robert decided to leave the Legislature, over the protests of many of his House colleagues, myself included, to run for the office of Harris County Judge. He saw an opportunity to work on the issues that were most important to him and his vision for the county he grew up in and served with distinction in the Legislature. He won the election and his opponent in that election later became a member of his advisory group.

TRANSPORTATION

Judge Eckels believes as I do that one of the most important priorities in our county is improving the major transportation corridors so people do not spend hours stuck in traffic jams. Judge Eckels also believes, as I do, that mobility is vital to our county's future. He served as chairman of the Transportation Policy Council for the Houston-Galveston region and was a major author of the 2025 Regional Transportation Plan.

Judge Eckels was also Chairman of the Alliance for I–69 Texas and the Texas High Speed Rail & Transportation Corporation. Texas House of Representatives Speaker Tom Craddick appointed him to the Study Commission on Transportation Financing to look at the broader issues facing the State of Texas. It was Judge Eckels who spearheaded an effort to turn abandoned railroad right-of-way running through my District into major traffic arteries which bring hundreds of thousands of daily commuters into and out of downtown Houston. Today, as a result of his vision and leadership, the Westpark Toll Way, the country's first entirely electronic toll road, is an innovative addition to the Harris County Toll Road Authority.

HOMELAND SECURITY/EMERGENCY MANAGEMENT

Judge Eckels has always been deeply concerned with hurricanes and other natural disasters and the county's reponse to crises. He commissioned a study showing the impact of a Category-V hurricane coming into Galveston Bay, and he initiated planning procedures to ensure first responders had the proper training and equipment to take action.

He began to set up an interoperable communications system for Harris County that could be expanded regionally to allow communications among first responders across jurisdictional and disciplinary lines. Building such a system has required a strong leader like Judge Eckels to convince various agencies that rely on mission-critical communication to trust Harris County's Information Technology Department to build an interoperable system which was better than one they could run on their own.

Today, the Harris County Regional Radio System is a model communication system that has grown to support a shared intrastructure with more than 133 channels and 17 tower sites. It currently covers all of Harris County and parts of eight other counties, with the intent to expand even farther. As resources are available it will be expanded until it serves all 13 counties in the Houston/Galveston Area Council's service area.

There are more than 20,000 users from more than 400 different departments/agencies with nearly 2,000 mobile data-terminals and the system is growing quickly. The regional radio system is not only an essential response tool when disaster strikes, it can also be adapted to conform to the needs of the partners in day-to-day operations. Harris County has more than 90 different policing agencies operating in very close proximity. This system allows dispatchers to send the closest officer to the scene of an incident regardless of which agency the responder works for.

In his first State of the Union Address after 9/11, President George W. Bush called upon all Americans to dedicate at least two years of their lives—the equivalent of 4,000 hours—in service to others. He launched the Citizen Corps initiative to inspire and enable Americans to find ways to serve their communities and country. In response to the President's initiative, in August 2002, Judge Eckels created the Harris County Citizen Corps Council The Council coordinates with volunteer groups such as the Red Cross, the Salvation Army, and the United Way to identify volunteer opportunities. The Citizen Corps programs include the Community Emergency Response Team, the Neighborhood Watch Program, Volunteers in Police Service, Fire Corps, and the Medical Reserve Corps.

When Hurricane Katrina caused the evacuation of more than 250,000 to the Harris County area, Judge Eckels coordinated and managed the relief effort to create comfortable, welcoming shelters. Approximately 27,000 evacuees came to "Reliant City," which was created in the facilities at Reliant Park and the George R. Brown Convention Center in a 20 hour period in August 2005. This was the largest sheltering operation in U.S. history.

Thousands of volunteers were needed to assist in the relief operation and within one hour of the initial call for assistance to the Citizen Corps, more than 1,000 volunteers arrived at the shelter. In all, more than 60,000

of our citizens came forward, received training from existing Citizen Corps members, and made the massive, weeks-long sheltering operation possible. The Judge said that Katrina was a blessing for our community because it showed us just how much we were able to give when our Louisiana neighbors needed a helping hand.

Just three weeks after the nation watched the devastation of New Orleans and the Gulf Coast by Hurricane Katrina, Hurricane Rita was headed straight for Harris County. An already exhausted team, led by Judge Eckels, shut down the last sheltering operation for Katrina evacuees and prepared for the next storm. With less than 48 hours before Rita was predicted to reach landfall on Galveston Island, Judge Eckels worked with Governor Rick Perry and Houston Mayor Bill White to begin the largest evacuation in U.S. history. Under Judge Eckels' watchful eye and calm demeanor, he gave frequent updates to motorists stranded in the exodus and assured them that help was on the way. While the unprecedented evacuation was difficult, it was considered a success. Before the storm reached the shore later that night, the roadways were empty and our citizens were out of harms' way.

The Judge's work during Hurricanes Katrina and Rita was recognized with a number of awards. In an article entitled ''The Power of Government to Do Good'' in Esquire magazine, Judge Eckels was named the Best and Brightest 0/2005, Citizen of the Year for his extraordinary leadership. ''When the city of New Orleans evacuated to Houston, Harris County Judge Robert Eckels took them in. He was an island of competence in the face of catastrophe,'' Esquire wrote.

The Partners for Livable Communities, a nonprofit organization headquartered here in Washington DC, gave the Judge the ''Bridge Builders Award'' for his collaboration efforts during the hurricane crises. The Greater Houston Partnership named him one of ''Houston's Greatest Individuals 2005.'' American City and County Leader magazine named Eckels ''2006 County Leader of the Year.''

Under his leadership, the Harris County Office of Homeland Security and Emergency Management has become a national model for preparedness and response to emergency situations, natural or manmade. Considered an expert in local emergency management and response, Judge Eckels has testified before both the U.S. House of Representatives and the U.S. Senate Homeland Security Committees and he serves on the State and Local Senior Advisory Committee to President Bush's Homeland Security Advisory Council.

HEALTHCARE

The population of Harris County has grown considerably in recent decades and with that growth has come a disproportionally large population of uninsured and underinsured. Judge Eckels realized long ago that the needs of this growing community cannot be met by government alone. Therefore, under his leadership, Harris County has forged strong partnerships with non-profit, private, public, and faith-based health care providers and clinics to coordinate medical services to the poor and indigent. The Harris County Healthcare Council was created to coordinate a more efficient health care delivery system. He has, throughout his tenure as County Judge, maintained that the Harris County Hospital District should be there for those who have no where else to turn.

FLOOD CONTROL

In 1996 Judge Eckels asked Congress to help speed some of the critical flood-damage reduction projects to protect the citizens of our county. Under his leadership, the Harris County Flood Control District is now able to take the lead on flood reduction projects. As a result, our constituents along the Brays Bayou and White Oak Bayou are already receiving the benefits of flood mitigation years ahead of schedule.

CLEAN AIR

Harris County is committed to cleaning the air in our region. Judge Eckels is nationally recognized as an expert in devising and implementing acceptable air quality plans on the county level. He has testified before a U.S. Senate subcommittee on air quality issues and has appeared on national television news shows discussing environmental issues.

He also initiated new monitoring systems to ensure compliance with federal and state regulations, funding computer modeling to base our clean air decisions on the best information possible and searching for the newest and most cost-effective technologies to clean our air. Under his watch, the latest state of the art monitors that detect most of the 189 Hazardous Air Pollutants listed by the Environmental Protection Agency are in place in Harris County—paid for by environmental violators, not taxpayers.

CHILDREN'S ISSUES

Judge Eckels is passionate about children's issues. As fathers, he and I have shared many stories about raising our daughters. Like me, he always puts his family first. He and his wife, Jet, could not be more committed to their daughter, Kirby Rae.

That commitment inspired Robert to take a vital leadership role in the Do the Write Thing Challenge, a program of the National Campaign to Stop Violence. As chairman for the State of Texas, he has grown the program to an unprecedented size with more than 24,000 participants in 10 communities. Judge Eckels also spearheaded a collaboration that would become the Children's Assessment Center (CAC). The CAC gives victims on-site access to experts in abuse prevention, medical treatment, forensic examination, family counseling, therapeutic services and criminal prosecution. Each year, more than 5,000 sexually abused children, their siblings, and non-offending caregivers are served by this nationally recognized partnership of more than 20 agencies.

Judge Robert Eckels is a sound fiscal conservative who has always taken a business approach to government. Harris County applies common sense business principles to provide the best service at the least cost to taxpayers. Under his leadership Harris County introduced private sector competition to drive down the cost of government services. He led the reorganization of county departments and performance reviews, cut the number of departments in half, reducing service duplication, improving coordination and accountability and saving more than $14 million each year.

Under his leadership the county's debt was restructured, saving more than $60 million since 1995. Confidence in Harris County's financial footing has been restored. All of the major bond rating agencies have upgraded Harris County's bond ratings saving taxpayers millions of dollars in interest each year. Most importantly, financial reserves are up, revenues are up, and spending is under control. Judge Eckels understands that when we decrease taxes here at the Federal level, and cut funding to state and local governments, they cannot and must not increase taxes at the local level. He has found new and innovative ways to deliver the same services that promote the quality of life we have all come to expect here in the greatest country in the history of the world.

I hope that Robert Eckels will reenter public life again someday because he is an exemplary leader. If he chooses not to, there is no doubt that he has left behind a strong legacy in Harris County. I will always value his friendship and counsel.

TRIBUTE TO SYDNEY EVERETT

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. CLAY. Madam Speaker, the St. Louis Post Dispatch recently published a series of articles to shed light on music education in the St. Louis Public Schools. The significant benefits conveyed by music education are immeasurable. Studies have found that education in the arts leads to success in society, school and life. I applaud the St. Louis Public Schools for recognizing the value of music education. I also commend Mr. Bob Dorries, the instrumental music teacher at McKinley Junior Classical Academy, a St. Louis magnet school, for his commitment to cultivating the gift of music in our children. I was especially impressed with the article's coverage of sixth-grader Sydney Everett's intense desire to master playing the clarinet.

In reading Steve Giegerich's articles, it is obvious that Sydney is an exceptional student who is dedicated to conquering new objectives and realizing her full potential. Sydney's love for music was instilled by her parents Sean and Deirdre Everett. They have always made music a part of Sydney's life. Her father, having taught himself to play the trumpet, shared his love for music with his children. Sydney exhibits that same drive and frequently takes the initiative to teach herself lessons before the class covers them.

Madam Speaker, it is with great privilege that I recognize Sydney Everett today before Congress. I encourage Sydney to continue her studies and remain committed to exploring new horizons.

The two articles from the St. Louis Post Dispatch chronicling Sydney's journey to master playing the clarinet follow this tribute.

[From the St. Louis Post-Dispatch, Sept. 30, 2006]

LEARNING TO PLAY: WILL SYDNEY MAKE THE BAND?

(By Steve Giegerich)

It's no accident that a poster of Miles Davis is in the sight line of Bob Dorries' students as he stands at the blackboard to review scales, time signatures and other rudiments of music education at McKinley Classical Junior Academy.

Dorries put it there as a constant reminder of the link between the East St. Louis jazz icon and the potential heirs to his legacy who pass through Dorries' classroom each day.

The connection is pretty much lost on the majority of sixth-graders enrolled in the instrumental music program at the St. Louis magnet middle school.

Most don't know Miles Davis from Wolfgang Amadeus Mozart.

The exception is an intense young girl in Dorries' seventh-period band class. Sydney Everett required no introduction to Davis, the man who provided much of the soundtrack for her childhood.

As parents, Sean and Deirdre Everett's priorities were established far in advance of Sydney's arrival on March 30, 1995. ''Education has been the goal since her birth,'' said Deirdre.

The motivation came in part by the failure to realize their own potential. Both Sean and Deirdre had left college without a degree.

''I always felt I didn't take full advantage of all I had,'' said Sean. ''Now I look at the way the world is going, and you have to have that degree.''

From the moment she was born, music danced on the periphery of Sydney's life.

Her father had developed an eclectic taste in music as his family moved from one military base to another across the country.

''I listen to it all,'' he said. And the Everetts made sure their children did the same. Sydney and her brother, Sean Michael, their father said, ''have an open mind toward music and life, too. I want them to experience everything possible.''

Between the birth of his first and second children, Sean bought a used trumpet at a secondhand store.

Though he'd dabbled with the guitar in high school, he'd never learned to read music. He still can't. But he taught himself to play that trumpet by emulating chords and riffs of the musician he admires above all others: Miles Davis.

When Sean Everett's daughter took a seat in Dorries' band room a month ago, her own experience as a musician was limited to a month of piano lessons, family Karaoke singalongs at Christmastime and a class at Kennard Elementary School that taught the 12-tone musical scale.

Over the summer, Sydney toyed with the idea of enrolling in McKinley's vocal music program, a notion she ultimately rejected. ''I knew I couldn't sing,'' she said.

On the day she walked into Dorries' class for the first time, Sydney was just as sure she knew which instrument she wanted to play: the trumpet, like her dad.

''Just to hear music in the house will be nice,'' said Sean Everett. ''Music opens up so many horizons. She'll meet so many characters playing music, and it's such a release. Who knows? She could wind up joining an orchestra, seeing the world.''

Before that can happen, Sydney must learn an instrument.

LEARNING THE NOTES

Impish and sarcastic, music teacher Dorries often plays the theme from ''Final Jeopardy!'' on the classroom synthesizer as students ponder a question. Dorries, 43, has a firm set of rules and little tolerance for those who break them.

Rule No.1 for sixth-graders: Before receiving an instrument, they must score an 80 or above on a 60–question exam that tests their knowledge of the categories of band instruments, musical history and, critically, the 12-tone notation scale.

The payoff for those who obey the rules, practice and stay the course is a chair in one of McKinley's four bands, which perform two concerts a year.

The students get as many opportunities as necessary to pass the exam. Most need it. Rare is the student who hits the magic score of 80 the first time.

Summoning lessons learned at elementary school, Sydney scored an 89.

The following week, Dorries asked the students who had fallen short of a passing grade to review their tests and prepare to retake the exam. Then he summoned Sydney to his desk.

''Let's see what you can blow,'' the teacher said, producing an array of sanitized mouthpieces for brass and woodwinds.

''I come from the theory of music that every person's mouth determines what instrument they should play,'' he explained. ''It has nothing to do with intelligence, where you've come from, what school you attended or your ability. It's something you come to naturally. It's the shape of your mouth.''

The fourth generation in a family of musicians, Dorries' philosophy was born of personal experience, a childhood dream of playing the trumpet shattered by the inability to make a single sound through a cornet mouthpiece. It wasn't until his teacher handed him the mouthpiece for a saxophone that he achieved the desired result. He was 5 and has played the sax ever since.

Dorries turned to Sydney: ''The lesson here is that what we think we want to play, nine times out of 10, is not the instrument we wind up with. And looking at your overbite, I'd say there's a real good chance you'll be good at a wind instrument.''

First, however, Sydney needed to learn the same lesson instilled in Dorries.

She blew into a trombone mouthpiece. Nothing. Same with the mouthpiece for a cornet. All hope of following in the footsteps of her dad and Miles Davis vanished, she slumped a bit in her chair.

Dorries handed her a mouthpiece and a clarinet reed and demonstrated how to moisten it. ''Blow,'' he instructed.

A duck call broke the quiet of the room.

''It's called a squawk, that's what we're after,'' said Dorries. Sydney sat straighter, blew into the mouthpiece. Squawk.

All eyes on their classmate, the rest of the students stopped studying. Dorries held Sydney's cheeks to prevent them from puffing out. ''Roll the mouthpiece over in your mouth,'' he said gently.

Sydney blew. Squawk.

Her classmates applauded and whooped. Sydney smiled.

After auditioning two more mouthpieces, she ruled out the saxophone and flute and chose the instrument her mother had played, long ago, at O'Fallon Technical High.

''I want the clarinet,'' Sydney told her teacher. ''I like the way it sounds.''

''I think that's a wise choice, either that or the flute,'' he responded. ''With your mouth structure, you belong on a wind instrument. You have lovely cheeks.''

Dorries excused himself and retreated to an adjoining supply room, emerging a moment later with a small black case.

Eyes wide, Sydney watched as Dorries slowly revealed the contents of the black case: a coal-black Yamaha clarinet nestled unassembled on a bed of molded velvet.

He handed her a form. The clarinet, he explained, belongs to the St. Louis Public Schools. After her parents gave written assurance that it would receive proper care, the instrument would be hers to take home.

Sydney slipped the piece of paper into a notebook just as the bell rang. Hefting her books, she headed for the door, her next class and the next phase of the journey envisioned by Sean and Deirdre Everett, long before their daughter was born.

[From the St. Louis Post-Dispatch, Nov. 18, 2006]

LEARNING TO PLAY: GIFTED STUDENTS GET NEW MOUNTAIN TO SCALE

(By Steve Giegerich)

No one will ever confuse Bob Dorries with Harold Hill, the mythical Music Man who, in another River City, bamboozled parents with the belief that their children could play double bell euphoniums and big bassoons—not to mention 76 trombones—without learning a single note of music.

Dorries is a fundamentalist. Not in the religious sense, but of the doctrine that music is a gift learned slowly and methodically through repetition.

For Dorries, the instrumental music teacher at McKinley Junior Classical Academy, a St. Louis magnet school for academically talented students, ''Sixth grade is a kind of band boot camp.''

Boot camp rule No. 1: Every student must pass an exam testing his or her grasp of musical history, notation scales, time signatures, flats and sharps.

Those who pass are paired with an instrument. Those who fail are destined to take the exam until they get it right.

For nearly 2 weeks, the first rule produced a divide in Dorries' seventh-period, sixth-grade instrumental music class.

On one side, the successful test-takers, B-flat clarinetist Sydney Everett and alto saxophonists Megan Ratcliff and Nick Wiegand, attacked the beginning exercises in Book One of the ''Standard of Excellence—Comprehensive Band Method'' and its companion CD.

Across the room, the others found inspiration and passed the test one by one.

All things being relative, Sydney was virtuoso by the time Jonathan Brooks added a trombone, Shaunice Safford a flute, Kaelan Moorehead a B-flat clarinet and Wolfgang Fortel a trumpet to the seventh-period ensemble.

That Sydney's virtuosity occurred on a clarinet was a bit unexpected. Sydney had intended to take up the trumpet, the instrument her father had played during her formative years.

Her dream of emulating her dad and Miles Davis ended when Dorries determined that the shape of her mouth was more conducive to a woodwind. Upon receiving her instrument, Sydney had no problem adhering to boot camp rule No.2: self-discipline.

''I only have you twice a week for 50 minutes,'' Dorries points out at least, well, twice a week. ''I can help you when you're here. But there's seven of you and one of me.''

Translation: The real learning takes place 30 minutes at a time. And it takes place at home. Due diligence is documented in practice reports, signed by parents and delivered to Dorries every other week.

The exemplary practice reports are posted on a ''Wall of Fame.'' Less-than-satisfactory reports land on a ''Wall of Shame.'' Dorries is characteristically blunt:

Kids who don't practice won't participate in rehearsals, won't perform in concert and won't pass his class.

Quiet and intense by nature, Sydney exhibited a preternatural ability to figure things out on her own from the time she was in prekindergarten. When she took up the clarinet this year, there was little need for her parents, Shawn and Deirdre Everett, to remind their daughter to practice.

Barely a week after receiving her clarinet, Sydney jumped ahead in the book to teach herself ''Hot Cross Buns,'' a song incorporating the three notes—E–C–D she'd learned to date.

So, too, had Megan, who'd also skipped to the lesson in her saxophone book. Best

friends since first grade, Sydney and Megan are equals in all ways but one: When it comes to decibels, Megan's instrument trumps Sydney's.

''I don't like the music we play in class that much because I can't hear myself,'' said Sydney. ''It's the CD and Megan. They drown me out.''

Along with classmate Nick—who learned the rudiments of his saxophone over the summer—Megan and Sydney established themselves as the tone-setters (so to speak) of the seventh period.

RULE NO. 3

The third rule of sixth-grade boot camp stipulates that students must learn to assemble, disassemble and properly store the instrument in its carrying case before they blow a single note.

With Dorries preoccupied with Shaunice and her flute, Sydney stepped into the breach.

Turning to fellow clarinetist Kaelan, she reviewed the rudiments of clarinet assembly and disassembly she'd learned just weeks before.

''Mr. Dorries was helping Shaunice,'' she explained later. ''And (Kaelan) was doing it wrong. I was afraid that Mr. Dorries would yell at him, so I helped out.''

''Besides,'' she added with a smile, ''I was bored.''

Not for long.

BIG NEWS

In the first week of this month, Dorries cleared his throat and waited for the din to die down.

The acerbic band director smiled broadly, clearly reflecting his pleasure at the announcement: ''We've decided to let the Beginning Band butcher the holiday concert.''

''Jingle Bells,'' he added, ''will be the piece sacrificed on the altar of music.''

Dorries paused. There was more news. Three students in the class, he continued, would not be joining the beginning band.

The class shifted nervously, wondering who would be excluded and why.

''Sydney Everett, congratulations. Megan Ratcliff, congratulations. Nick Wiegand, congratulations,'' Dorries said. ''I'm about to hand you three pieces of music. You'll continue to work from the red book in class here. These three other pieces are from the blue book. The three of you are in Intermediate Band.''

The first thing Sydney noticed when she glanced at the music—''Jingle Bell Rock,'' ''Joyeux Noel'' and ''Tequila''—were the chords.

Dorries picked up on her hesitation.

''I'm going to warn you, there are some notes in there you haven't learned yet,'' he said.

Sydney studied the music. ''Can we write on the music?'' she asked.

Dorries looked at her. In 6 weeks, he knew, Sydney would take her seat on a stage before friends, family, teachers and classmates. She would lift a mouthpiece between her teeth and play an instrument which, when the semester began, she knew existed but hardly understood.

''You surely can,'' Dorries told his student. ''Just make sure you use pencil.''

TRIBUTE TO KAYLEE MARIE RADZYMINSKI

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. WAMP. Madam Speaker, I rise today to acknowledge an outstanding young lady from the Third Congressional District of Tennessee, Kaylee Marie Radzyminski, of Cleveland, Tennessee. Kaylee is an incredibly special young lady with great ambitions and a strong sense of pride in her country and her military.

Kaylee joined the United States Naval Sea Cadet Corp in December 2002 and has befriended many of our men and women in uniform as she has traveled to our military bases and met with our soldiers first hand. In talking with some soldiers who had just returned from Iraq, she learned that among the things they missed while away from home was entertainment. So when Kaylee was 14 years old, she started an organization known today as Tunes 4 the Troops which consists of her collecting compact discs and DVDs and sending them to our soldiers who are defending our country.

As of last week, Kaylee has sent over 25,000 CDs and DVDs with a value of over $375,000.00. Kaylee has raised over $19,000 in cash, goods, and services. The Tennessee Titans NFL team sent her $4,000 and Outback Steak House provided her with 300 free meals recently for a fundraiser where she raised over $5,000. The money pays for cases, printing, and shipping costs. So many others are pitching in now . . . a box manufacturer in Ohio donates all the boxes and tape; David Smith, owner of Dick's Graphics in Cleveland, Tennessee, does all the printing at cost; Cleveland News Now.net, a media group in Cleveland, has given Kaylee office space with all utilities and Internet access as well as a computer to use there for 2 years; Cleveland High School, her sponsor in this endeavor, has given Kaylee a checking account at school to facilitate the bookkeeping.

Kaylee has set up drop-off locations all over Bradley County including the Armed Forces Recruiting Offices, Award Realty, Bradley County Courthouse, Circuit Court Clerk's Office, Cleveland City Mayor Tom Rowland's Office, Cleveland High School, Dick's Graphics, Bradley County Justice Center, and Southern Heritage Bank. As of this March, Kaylee has set up 27 other locations across the country to collect more CDs and DVDs for Tunes 4 the Troops with over 20 more boxes scheduled for delivery in combat zones this month.

Madam Speaker, 15-year-old Kaylee Radzyminski understands that she is the future of America and that she can look forward to her future because of the sacrifices made for her and all Americans. I'm so proud to represent Kaylee who is using her voice to say ''thank you'' to all those serving in the Armed Forces of the United States of America!

PERSONAL EXPLANATION

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Ms. BALDWIN. Madam Speaker, I regret that due to an illness, I missed recorded votes on March 12, 2007 and March 13, 2007.

Had I been present on those days, I would have voted in support of H.R. 85, H. Res. 136, H. Res. 89, H. Res. 64, H. Res. 228, and H. Res. 222.

SUPPORT FOR 2007 SUPPLEMENTAL APPROPRIATIONS BILL

HON. NANCY E. BOYDA

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mrs. BOYDA of Kansas. Madam Speaker, I rise today in support of the upcoming 2007 fiscal year supplemental appropriations bill.

Much of the debate on this bill has focused, quite rightly, on the provisions that codify President Bush's benchmarks for Iraq into law. This is an important subject that I plan to discuss in depth later this week.

But today I wish to spotlight another element of this legislation, one that offers renewed hope and opportunity to millions of children in Kansas and throughout the United States: the extension of the State Children's Health Insurance Program, or SCHIP.

If you are fortunate enough to have health coverage, you might not realize what peace of mind insurance brings. You don't worry that your child will wake up with an ear infection that will cost a month's rent. You need not fear that the price of a broken leg will force you to default on your auto loan, or that the injuries from a car crash will obliterate a year's salary.

But for many Americans, these fears are a fact of daily life. Forty-seven million of our fellow citizens—47 million of our brothers and sisters and our sons and daughters, 47 million of our coworkers and colleagues and our friends and neighbors—47 million of us lack health insurance.

Worst of all, among those 47 million uninsured Americans are nine million children.

This is not just an economic or an institutional challenge. It is the moral crisis of our age.

The Federal Government has addressed this simmering emergency through two primary means. The first is decades-old and well-known: Medicaid. Medicaid is a good and vital program, but its scope is very limited. In some states, if your family earns one dollar less than the poverty line, you will receive full Medicaid coverage—but if you earn just a few dollars more, you're ineligible for any assistance whatsoever.

A sane health care policy must recognize that families. earning 125% or 150% or even 200% of the poverty line need a helping hand. And that's where the State Children's Health Insurance Program, or SCHIP, enters the scene. SCHIP introduces badly needed flexibility into the Federal health care system. In short, it tells the states, ''If you want to expand the eligibility of low-income children and families for government-sponsored health insurance, we'll offer matching funds to help you do it.''

In the decade since its inception, SCHIP has proven itself an outstanding success. It has enrolled six million beneficiaries, dramatically reducing the number of uninsured children in our nation.

Later in this legislative session, Congress will consider extending SCHIP beyond 2007, and you'd better believe I'll fight every step of the way for its renewal. But for now our task is simpler. Due to poor planning and inadequate funding from the do-nothing 109th Congress, 14 states are running out of money to finance SCHIP through the current fiscal

year. They need Congress to act immediately to ensure funding.

I urge my colleagues to show our compassion for America's children, to demonstrate that we will not tolerate the scourge of uninsurance. I urge you to vote to extend funding for SCHIP.

PERSONAL EXPLANATION

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. WALBERG. Madam Speaker, I would like to submit to the record that my vote on H. Res. 228, Recognizing the 186th anniversary of the independence of Greece and celebrating Greek and American Democracy, was not recorded yesterday. May the record show that I would have voted "yea" on H. Res. 228.

EXPRESSING SUPPORT OF THE HOUSE FOR THE GOOD FRIDAY AGREEMENT

SPEECH OF

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 2007

Mr. COSTELLO. Mr. Speaker, I rise today in support of H. Res. 222, the Good Friday Agreement for Northern Ireland. .

The United States stands committed to a peaceful resolution of the conflict which has plagued Northern Ireland for the past quarter century. The last twelve months have indeed seen historic developments which have raised hopes that at long last the parties to the conflict in Northern Ireland are working together to forge reconciliation.

Today, I strongly support H. Res. 222, to show strong support for the 1998 Good Friday Agreement as the blueprint for a lasting peace in Northern Ireland. The measure continues to support the St. Andrews Agreement of October 2006 and commends British Prime Minister Tony Blair and Irish Taoiseach Bertie Ahern for their leadership and persistence in seeking a peaceful resolution in Northern Ireland.

Mr. Speaker, we must continue to advocate for the achievement of peace, justice, human rights and political stability in Northern Ireland. That is why I urge my colleagues to support H. Res. 222.

RECOGNIZING A TRADITION OF LEADERSHIP IN THE GUAM COMMUNITY

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Ms. BORDALLO. Madam Speaker, I rise today to commemorate the late Jesus S. Leon Guerrero's legacy of leadership that was carried on with distinction by his son, the late Anthony A. Leon Guerrero, and that now continues with his daughter, Ms. Lourdes A. Leon Guerrero, who follows her father and her brother as President, Chief Executive Officer, and Chairman of the Board of the Bank of Guam. Ms. Leon Guerrero has served in this capacity since March 31, 2006, and though her service at the helm of the Bank of Guam has been brief, she carries forward the visionary and dedicated leadership and work ethic which have been the hallmarks of the Bank of Guam since its establishment 35 years ago. These hallmarks have consistently characterized the leaders and the employees of the Bank of Guam since its chartering on March 13, 1972 and have given rise to the Bank's reputation as one of the leading and most successful financial institutions in the Pacific. Last year, the Bank was named by the Guam Chamber of Commerce as Business Laureate of the Year and was enrolled into the Guam Business Hall of Fame. Today, the leadership of the late Mr. Jesus S. Leon Guerrero and the Bank of Guam's service to our community continues to be celebrated and recognized by the people of Guam.

After working for the Bank of America for many years, Jesus struck out on his own in 1972 to charter a new and locally-organized bank for our island community—an endeavor that seemed nearly impossible at the time. But Jesus never gave up and his confidence in the future of Guam and in the people of our island never wavered. It was his vision, his drive, and his confidence that led to the chartering of a community bank for the people of Guam.

Upon Jesus's death in 2002, his son Anthony took the reins of leadership at the Bank of Guam. During that same year, Guam was hit by Typhoon Chata'an in July, a powerful earthquake in October, and Supertyphoon Pongsona in December. Still grieving, Anthony rose to the occasion and proved himself a worthy successor of his father. Anthony met and conquered every challenge except one: he lost his battle against cancer in 2004. Jesus's daughter Lourdes was called to assume the mantle of leadership of the Bank. A leader in her own right, as a Senator in the Guam Legislature for several terms, Lourdes did not hesitate and the transfer of the Bank's leadership was seamless and unfaltering.

The Bank of Guam has grown over the past 35 years in meeting the banking, financing, and insurance needs of the people of Guam and the greater Micronesia region. Today, the Bank of Guam, a publicly-traded company, has a presence on nearly every island in the region and in San Francisco, California. Such is the legacy of Jesus S. and Anthony A. Leon Guerrero and the challenge for Lourdes A. Leon Guerrero, the officers and employees of the Bank of Guam. We are confident that the leadership and the employees of the Bank of Guam will continue to meet these challenges.

TRIBUTE TO NEGRO BASEBALL LEAGUE

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Ms. MCCOLLUM of Minnesota. Madam Speaker, I rise to express my profound respect and admiration to all the members of the Negro Baseball League. These athletes contributed greatly to the sport of baseball and to our nation. African American baseball players were an important part of breaking down barriers, reducing prejudice, and moving the country towards integration, fairness, and equality. And because of their talent and determination, Major League Baseball finally integrated in 1959, 40 years after the formation of the Negro Baseball League.

While the 4th District was never home to an official Negro baseball team designated by the Negro League, which began in 1920, it was home to the St. Paul Gophers. The team was formed in 1907, long before the official Negro League was created, and with the likes of Bobby Marshall, a stand-out at the University of Minnesota in three sports, they went on to win the unofficial championship in 1909 against the Chicago Leland Giants. Minnesota was also home to Minneapolis Keystones, an all-black men's team that also played in the early 1900's and, in 1944, the Minneapolis Millerettes, a member of All-American Girls Baseball League. Even though these teams played for only a short time, they remain an important part of the history of our state and a testament to the value of inclusion in our communities.

I am proud to support for H. Res. 162 and to recognize the enormous achievements by African American athletes throughout our Nation's history.

RECOGNIZING THE CONTRIBUTIONS MADE BY THE NURSING PROFESSION

HON. DAVID LOEBSACK

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. LOEBSACK. Madam Speaker, I call attention to the important and essential role that nurses play in providing quality heath care across our Nation. Nurses are the health professionals involved on the front lines of caring for Americans. Our Nation's health care system is complex and every day people with all types of needs are served by legions of caring, qualified and professional nurses. They are integral to our Nation's heath care delivery system.

I believe every person can remember an experience when someone they loved needed heath care and a nurse was the first person by their side providing care and comfort. We all know someone who works in the field of nursing and the commitment they make to their profession, despite extraordinary challenges everyday.

The Nurse in Washington Internship program has brought more than 100 representatives of this noble field to our Nation's Capitol this week to give voice to their needs and experience. They see more of our constituents and care for more of our children then we will ever meet and we should listen and respect their views.

An adequate supply of nurses is essential to ensuring that all people receive quality care and that our Nation's public health infrastructure has the professionals necessary to respond to natural and manmade disasters. The Department of Health and Human Services (HHS) projects that today's 10 percent vacancy rate in registered nurses will grow to 36 percent by 2020, representing more than one million unfilled jobs.

Additional Congressional leadership, ongoing support and federal funding is necessary to ensure that the nation has an adequate supply of nurses to care for the patients of today and tomorrow.

PERSONAL EXPLANATION

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. WELLER of Illinois. Madam Speaker, I rise today to enter into the RECORD votes I would have cast had I been present on the legislative days of March 12th and March 13th for rollcall votes 136 through 141.

If I were present I would have voted ''yea'' on rollcall vote 136, ''yea'' on rollcall vote 137, ''yea'' on rollcall vote 138, ''yea'' on rollcall vote 139, ''yea'' on rollcall vote 140, and ''yea'' on rollcall vote 141.

IN HONOR OF PHILLIP CONNELLY

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. SIRES. Madam Speaker, I rise today to honor Phillip Connelly for his service to thousands of professors and students as well as for his years in the Navy and in public service. Mr. Connelly is also an outstanding representative of the Irish-American community of the city of Bayonne.

Phillip Connelly is vice president of Administration and Finance at Kean University in Union, NJ. Mr. Connelly is responsible for multiple vital departments of the university that assist in the learning and welfare of 13,000 students and 12,000 employees.

Mr. Connelly spent most of his professional career as a dedicated public servant. For 7 years, Mr. Connelly was the business administrator of the city of Elizabeth, the fourth largest municipality in the State. His experience in public service was acquired early on as accountant for the city of Bayonne. Mr. Connelly was promoted to assistant and business administrator. During that time, Mr. Connelly was elected to the Hudson County Board of Chosen Freeholders, where he served for 3 years.

Phillip Connelly traces his Irish heritage to County Fermanagh where both his mother and grandmother were born. Mr. Connelly is known as being dedicated and loyal. For his contributions to the Irish-American community he is being honored with the ''Friends of Brian Boru 2007 Man of the Year Award.''

Let us honor this accomplished native and resident of Bayonne, and join me in congratulating his wife Maryann and son Patrick for the distinction bestowed upon this outstanding New Jersey family.

INTRODUCTION OF THE MICROBICIDE DEVELOPMENT ACT

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Ms. SCHAKOWSKY. Madam Speaker, today, on International Women's Day and as we prepare to recognize National Women and Girls HIV/AIDS Awareness Day on March 10th, I am proud to introduce the Microbicide Development Act. This legislation will advance and accelerate efforts to develop an effective microbicide product to protect against HIV infection. While the primary users of microbicides will be women, an effective microbicide would also make significant contributions to the reduction of HIV infections among men and among infants.

The Microbicide Development Act will bolster and coordinate microbicide research and development programs at the National Institutes of Health (NIH), the U.S. Agency for International Development (USAID), and the Centers for Disease Control and Prevention (CDC). Specifically, this legislation would establish for the first time a clearly-defined branch dedicated to microbicide research and development at the NIH and require the development of a strategic plan to expedite research.

In the 25 years of the HIV/AIDS pandemic, more than 25 million people have died from HIV/AIDS. Among persons aged 15 to 59, HIV/AIDS is the leading cause of death worldwide. With nearly 40 million people living with HIV/AIDS worldwide and more than 4 million new HIV infections in 2006 alone, HIV/AIDS continues to be a major global health problem, threatening the economic, social, and political stability of many nations.

Unfortunately, there is today no cure for HIV or AIDS and no magic bullet for prevention. In the global fight against HIV/AIDS, scientists have stressed the need for a comprehensive approach that includes care and treatment for individuals already infected as well as a range of prevention strategies to stop further spread of the disease. Microbicides represent a critical strategy within this comprehensive approach to the HIV/AIDS epidemic, particularly for women. With women accounting for nearly half (48 percent) of all HIV/AIDS cases across the globe and nearly 60 percent of all HIV/AIDS cases (76 percent of HIV/AIDS cases among 15–24 year olds) in sub-Saharan Africa, HIV prevention technologies meeting the special needs of women are increasingly important. In some areas of sub-Saharan Africa and the Caribbean, infection rates among young women are up to six times higher than among young men. The devastating impact of HIV/AIDS on women is certainly not limited to third world nations. HIV/AIDS is also a major problem for women in the United States, as AIDS is the leading cause of death for African American women between the ages of 25 and 34 in the United States.

Dr. Anthony Fauci, Director of the National Institutes of Allergy and Infectious Disease of the NIH, has emphasized the role of gender inequality in fueling the HIV/AIDS epidemic among women and the need to empower women with strategies over which they have control. In a March statement recognizing National Women and Girls HIV/AIDS Awareness Day, he stated:

''Globally, the vast majority of women with HIV/AIDS became infected through heterosexual intercourse, frequently in settings where saying no to sex or insisting on condom use is not an option because of cultural factors, lack of financial independence, and even the threat of violence. These issues compel us to develop HIV prevention tools that women can use in situations when negotiating with sexual partners is difficult or impossible. One critical avenue of research is the development of safe, effective and acceptable topical microbicides—gels, creams and foams that could be used prior to sexual intercourse to prevent infection with HIV and other sexually transmitted pathogens. The development of these woman-controlled agents is a top HIV/AIDS research priority of the National Institutes of Health (NIH).''

Current prevention approaches are not practical for everyone, particularly women. The major route of transmission for HIV around the globe is heterosexual sex. Abstinence is often not an option for women. Around the globe, unmarried women are not always in the position to refuse sexual advances and may be the victims of violence. Married women are rarely in the position to be able to refuse sexual advances of their husbands, even if they know that their spouse is infected.

Many women who are infected with HIV or at risk for infection are monogamous and do not practice high risk behaviors. Frequently, they are married or in committed relationships in which they are placed at risk by the behavior of their male partner, which they have limited power to change.

Condoms represent the most effective prevention technology currently available. However, male condoms require male cooperation and even female condoms require the consent and cooperation of male partners, placing women's risk for HIV infection under the initiation and control of men. Women, particularly married women and those women in committed relationships, are often powerless to insist on or even request condom use by their male partner. Such requests can be interpreted as evidence of infidelity on the woman's part or accusations of infidelity on the man's part, either of which can result in serious penalties for women, including violence.

Topical microbicides represent a woman-initiated method of prevention that would not require cooperation from a male partner and may even permit conception. Microbicides are a class of products under development that could be applied topically to prevent the spread of HIV infection. Microbicides may eventually take the form of gels, creams, and films, and be used in cervical caps, pre-loaded diaphragms, or rings. These methods may be invisible to male partners, which would allow women to use these products with or without the knowledge of her partner. While the contraceptive effects of barrier methods such as condoms present an obstacle for women who want to or are expected to bear children, microbicides may be available in both contraceptive and non-contraceptive formulas. With the ability to discreetly protect themselves and the potential to continue to bear children unimpeded, microbicides address the reality of women's prevention needs.

Mathematical models predict that even a partially effective microbicide could prevent 2.5 million infections over 3 years and that gradual introduction of newer and better microbicides could ultimately save a generation of women. In addition, several prominent scientists anticipate that an effective microbicide will be available within the next 5 to 7 years. Significant advances have been made in the development of microbicides in recent years. By the end of 2006, there were 36 organizations involved in microbicide R&D, with 10 microbicide candidates currently in clinical development and over 30 in preclinical development. We cannot let this momentum slow; we

must continue to prioritize microbicide research and development since an effective microbicide is within our reach.

The Microbicide Development Act affirms our commitment to microbicide research and to the women whose lives will be saved by microbicides in the future. The global community supports microbicide research. Around the world, there is heightened attention to the urgency of meeting the unique prevention needs of women. For the past few years, G8 communiqués and UN declarations have listed microbicides high among key global health priorities requiring focus and support. Numerous governments and donors have provided funding for microbicide development, including Belgium, Canada, Denmark, France, Germany, Ireland, Netherlands, Norway, Sweden, United Kingdom, United States, European Commission, World Bank, the Rockefeller Foundation, and the Bill & Melinda Gates Foundation. Within our own Nation, the Microbicide Development Act has garnered the support of over 120 community groups, including the AIDS Foundation of Chicago, the American Public Health Association, the Global Campaign for Microbicides, the Guttmacher Institute, the National Alliance of State and Territorial AIDS Directors, the National Minority AIDS Council, and the National Women's Health Network.

On this day, International Women's Day, we need to take a firm stand to validate and affirm the rights of women across the globe. This legislation recognizes the feminization of the HIV/AIDS epidemic and the important role that gender inequity plays in the increasing rates of infection among women. It addresses those gender inequities by recognizing the reality of women's lives and providing women with tools to protect themselves within the context of this reality. Microbicides represent a woman-initiated and woman-controlled method of prevention that will allow women to protect themselves from HIV even in settings where negotiation with male sexual partners is difficult or impossible. This legislation demonstrates that we, as a Nation, value women and it will take the necessary steps to protect their lives and their futures.

HONORING AUBURN, MASSACHUSETTS DEMOCRATIC TOWN COMMITTEE AWARD RECIPIENTS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. McGOVERN. Madam Speaker, I rise today to pay tribute to three outstanding citizens from the Town of Auburn, MA, a community I am both privileged and proud to represent in the U.S. Congress. Tonight the Auburn Democratic Town Committee will rightfully recognize Patricia Bukoski with its FDR Outstanding Public Service Award, and Charles and Joan Baker with its Democratic Lifetime Achievement Award at their annual Irish Night Dinner. I regret that rollcall votes prevent me from attending the event to personally congratulate them for their remarkable contributions to the greater Auburn community.

Pat Bukoski is synonymous with the Auburn Housing Authority having directed the agency for fully 28 years. During her tenure, the Auburn Housing Authority received more than $4 million in Federal funding for the construction of the 60-unit Stoneville Heights Development. Pat also presided over the expansion of the Packachoag Village Development and courageously shepherded the Pheasant Court Family Housing Project to its completion. Her constant care and compassion for Auburn's elderly and less fortunate is renowned. A woman of extraordinary faith, Pat's legacy of public service is nothing short of inspiring and serves as a sterling example of what one person can accomplish on behalf of others.

Charlie and Joan Baker are among the most devoted democratic activists the Commonwealth of Massachusetts has ever produced. Their tireless efforts on behalf of dozens of democratic candidates for local, State and national office now span more than half a century. I have personally benefited from their wise counsel and steadfast support and will forever be grateful for their loyalty. Few couples can lay claim to having helped elect as many leaders as Charlie and Joan Baker. The only reward they have ever sought was the quiet pride and satisfaction of having supported good and decent people for public office. Charlie and Joan's political activism is rivaled only by their combined record of service to the Town of Auburn. Charlie's tenure as a town meeting member, selectmen and now Town Moderator is without equal. Joan also served as a town meeting member and together they are widely regarded by many as the "first couple" of Auburn.

Madam Speaker, Patricia Bukoski, Charlie Baker, and Joan Baker are richly deserving of the recognition bestowed upon them tonight by the Auburn Democratic Town Committee. The United States of America owes each of them a debt of gratitude for their service and I humbly offer the congratulations of the U.S. House of Representatives to them on this very special occasion.

CHINA'S "ANTI-SECESSION" LAW

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. TANCREDO. Madam Speaker, it has been two years since the "legislature" of the People's Republic of China passed the so-called "anti-secession" law. The enactment of this law by China's rubber-stamp parliament represented a clear-cut, belligerent and dangerous step toward a military attack of a peaceful and democratic ally of the United States. Moreover, it underscored once again that the government in Beijing is not sincere about resolving its differences with Taiwan in a peaceful or rational manner.

America's position is clear: Any change in the status quo between the People's Republic of China and Taiwan must have the assent of the people of Taiwan. As such, resolving the differences between these two nations can only be achieved through honest and direct state-to-state negotiations without preconditions. They cannot be resolved by intimidation, indignant bluster or threats of military force from Beijing.

Unfortunately, in the two years since Beijing created this "legal framework" for starting a war with Taiwan, little has changed. China continues to point some 900 ballistic missiles at Taiwan and continues to ramp up its military spending and its military activities—none of this indicates that China is pursuing a peaceful settlement with its neighbor across the strait.

Madam Speaker, the truth is that Taiwan and China are not united. They are not "one country" as the communists in Beijing are so fond of asserting. If they were there would be no talk of "unification." China must accept that it does not have jurisdiction over Taiwan, and abandon this kind of counter-productive saber rattling.

I hope that the family of free nations will join me in condemning the "anti-secession law" with a unified voice, making it clear to China that any resolution of cross-straits tensions must be peaceful and above all acceptable to the people of Taiwan.

IN RECOGNITION OF THE 100TH BIRTHDAY OF THE HONORABLE WYATT BROWNLEE

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mrs. JONES of Ohio. Madam Speaker, I rise today in celebration of the 100th birthday of a living legend from my Congressional District, Judge Wyatt C. Brownlee. Born in Hodges, S.C., one of 11 children born to James and Elizabeth Brownlee, Judge Brownlee is the last living sibling of the family which migrated to Cleveland in 1921. His life has been an example of the power of courageous determination and faith in God.

Judge Brownlee attended Cleveland Public Schools, but was forced to drop out of Kennard Junior High School to help support his family. Because of his desire for an education, he attended night school, part time, until he received his high school diploma. His quest for knowledge continued and he graduated from: "FDR" Junior College in 1936; Fenn College (Cleveland State University) in 1940; and Cleveland Marshall Law School in 1944.

During his distinguished legal career he served as an Ohio Assistant Attorney General; Cleveland City Prosecutor and acting City Law Director. In 1957 he was appointed Cleveland Municipal Court Referee, and in 1977 he was appointed Cleveland Municipal Court Judge, where he served until his 1981 retirement. Judge Brownlee continued private practice after retirement.

Judge Brownlee has been involved in his community and has been recognized in "Who's Who in the National Bar Association," "Who's Who in American Law," and he has been honored by Black Lawyers and Black Judges. He is a member of Phi Beta Sigma Fraternity, Inc., Prince Hall Masonic Organization, and is a lifetime member of the Cleveland Marshall Alumni Association.

Therefore, on behalf of the United States Congress and the citizens of the 11th Congressional District, Ohio, I extend Happy 100th birthday wishes to the Honorable Wyatt C. Brownlee. Thank you, for being friend, teacher, and role model for so many of us. Judge Brownlee made an indelible imprint on my life. As a young lawyer, he nurtured me. When I

became a judge, he mentored me. As a prosecutor, he counseled me. As a legislator, he influenced me. I count him among the people who kept the wind beneath my wings. I pray God will continue to bless him. We love you.

PERSONAL EXPLANATION

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. WELLER. Madam Speaker, I was unable to be present on Monday and Tuesday of this week and missed the following votes:

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Rollcall No. 136, Motion to suspend the rules and pass H.R. 85.

Rollcall No. 137, Motion to suspend the rules and agree to H. Res. 136.

Rollcall No. 138, Motion to suspend the rules and agree to H. Res. 89.

Rollcall No. 139, Motion to suspend the rules and agree to H. Res. 64.

Rollcall No. 140, Motion to suspend the rules and agree to H. Res. 228.

Rollcall No. 141, Motion to suspend the rules and agree to H. Res. 222

Had I been present, I would have voted ''yea'' on each of these motions.

TRIBUTE TO FERN HOLLAND

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mrs. MYRICK. Madam Speaker, I would like to honor and recognize a true American hero, Fern Holland. Three years ago, Fern gave her life so that others might have a brighter future. One of my staffers was friends with Fern and wrote this tribute on the three year anniversary of her death:

On March 9, 2004, my friend, Fern Holland was killed—assassination-style—in Iraq. She, her colleague, and a translator were stopped at a checkpoint where they were shot by gunmen posing as Iraqi police. These gunmen riddled their car with AK–47 bullets and took her life.

Fern wasn't killed because she was a soldier. She was killed because she was someone cared about other people.

When Baghdad fell, Fern traveled to Iraq to work for USAID and then later served on the Coalition Provisional Authority as a women's rights specialist. It was this work that made her a target by extremists. You see, Fern worked tirelessly at setting up Iraqi women's centers around the country. These centers were places women could organize, learn political skills to participate in a democracy, and learn life skills. These centers were not welcome by many extremists for a variety of reasons, and Fern was an easy target because she was white and blonde and very outspoken in her quest for women's rights in Iraq.

While she was doing this work, even more important work came to the forefront. Fern, 33 from Oklahoma, was a lawyer by trade, and she helped draft the interim Iraqi constitution. It was Fern Holland who wrote the section of the constitution that got Iraqi women 25 percent of the seats in the national assembly.

On March 8, 2004, Iraqi leaders signed the interim constitution that included Fern's provision. Women in Iraq now had more than just a seat at the table, they had a say in Iraq's future. Fern was able to see her hard work come to fruition, but only for a day. Her work on behalf of people she did not know, and who did not know her, led to her death.

In February 2003, I met Fern. I was looking for a place on the Hill as a young staffer, and I wound up subleasing her room while she went to work on projects in Africa. She had worked previously in the Peace Corps in Africa and headed back to continue the work she had started when I took over her lease. Her work in Africa led to the establishment of a legal clinic for women who had been sexually exploited. At the time of her death in 2004, the clinic had handled 118 cases including rapes, sexual assaults, wife beatings, family abandonment and sexual exploitation.

From time to time, Fern would come back to the U.S. and would stop by the house to pick up her mail, chat about what she was doing, make sure her car was still working, and then would head back out into the world to battle for what she believed. Several months prior to her death we chatted and I took over her lease and paid for her desk and other items she had left in the room that I now use. From time to time, when I get a chance to slow down, I look around and think about Fern.

Today, three years later, I don't tear up as much as I once did, but the sadness is just as real, and my heart is just as heavy, as it was when I got the call about her death from my roommate Michael. Questions still flood my mind as to why such evil would happen to such a good person. . . . I often think in deep silence about the Iraq War and the sacrifices of Fern and those who serve there . . . I wonder why God allowed Fern and my path to cross—if only for a brief time—yet thank Him at the same time that I got to meet her.

Fern's life has taught me many things. I have learned to love people more. It is really easy to get cynical about work and life on the Hill when things move at a snails pace, or when you see that people's main motives are something other than helping people. But when I catch myself in a poor attitude or in a cycle of cynicism, I think of Fern and her sacrifices and realize there is more work to be done to help others. Fern's life also taught me my time is not my own. I constantly try to keep in contact with friends/family—and would do anything in the world for them—and I try to reach out to people in need. I have learned that the most important things in this world are the small things people often overlook. I learned that people need other people and so I take the time to speak with someone longer than I would normally, or return calls or emails when I am tired or would rather not. I invest in people because it seems friendships and helping others is the only return that makes me happy. I think that is the secret of life that Fern learned and shared with others.

Today has just begun, yet my thoughts are constantly bouncing back to Fern and to a quote from Martin Luther King Jr. that I can't get out of my head: ''A man who won't die for something is not fit to live.'' In one of Fern's last emails she wrote, ''I love the work and if I die, know that I'm doing precisely what I want to be doing—working to organize and educate human rights activists and women's groups.'' In a day an age where people think only of themselves, Fern was willing to die for something she believed in; people. And because of that, her life and work means something . . . it means others can live in a better world.

We tend to throw around the word ''hero'' alot these days. But I have learned that they are not on the sports field or on the TV or on the movie screen. They are the people who sacrifice for others; who die for others if need be. Fern Holland will forever be one of my heroes. And I wrote this today so that others might know the work she did, and the life she led, because Fern deserves to be remembered.

IN MEMORY OF BOBBY HILDEBRAND

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. ROSS. Madam Speaker, I rise today to honor the memory of my dear friend Bobby Hildebrand of Camden, Arkansas, who passed away February 24, 2007.

Bobby Hildebrand and his family grocery store, Harvey's Grocery Store, were South Arkansas institutions. Bobby was a businessman, a landowner and the proud owner of Harvey's Grocery in Camden, one of Arkansas's legendary political landmarks. Bobby made Harvey's Grocery a famous gathering spot for Arkansas politicians, business leaders and residents of South Arkansas who had a love of good food, heated debate and friendship.

Bobby became known for his locally famous barbecue as much as his generous heart. Each time I drove through Camden, my car always wanted to veer to Harvey's Grocery where I knew I would find good food and great conversation with a man I truly looked up to and admired. I was privileged to have witnessed first hand the effect Bobby's big smile had on visitors of his store and friends who needed someone to listen. Above all else, I am blessed to have been able to call Bobby a dear friend.

Bobby talked endlessly about how politics could be a good and noble profession and how a career in public service could positively affect the lives of thousands. His love of politics helped inspire me and many others to seek elected office and for that, I am forever grateful.

I send my deepest condolences to his wife, Pat of Camden; his brother Harvey Hildebrand of Louisiana; and his sister Dorothy Herrington of Camden. Bobby Hildebrand will be greatly missed in Camden, Ouachita County and throughout the state of Arkansas, and I am truly saddened by this loss.

WALBERG SUPPORTS STATE, LOCAL CONTROL OF EDUCATION

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. WALBERG. Madam Speaker, as a member of the Education and Labor Committee, this morning I attended a bi-cameral

hearing on the reauthorization of the No Child Left Behind Act.

In listening to testimony from various individuals today, it was impressed upon me that all of us involved are seeking the same goal: the best possible educational opportunities for our children.

Today, at a time when our Nation lags behind other countries in math and science testing and the Federal government has a larger role in education than ever before, this Congress must find a way to give our schools greater flexibility, reduce the bureaucracy involved in education and ensure these opportunities really are being given to our children.

In years past, Congress has attempted to solve problems in education by simply throwing piles of federal money into the education system.

The original purpose of No Child Left Behind was to return some education policymaking authority to the states.

Unfortunately, during the process of crafting, passing and enacting the legislation, No Child Left Behind took the form of a massive spending bill that increased the Federal government's presence in classrooms.

As the Detroit News stated in a December 22, 2006 editorial, ''What our federal legislators come up with in the Nation's capital doesn't always translate well into the classroom.''

The editorial continues, ''Michigan should have the flexibility to decide how and when to measure student progress.''

My daughter-in-law is a hard-working and talented teacher who has experienced firsthand the problems No Child Left Behind creates for teachers, parents and students.

As a classroom teacher forced to teach to the tests required by No Child Left Behind, she actually considered quitting because of the paperwork and restrictions imposed upon her. She struggled to have time to give individual attention to each of her ''special needs'' students.

Ironically, she obtained her teaching position due to her performance the year prior as a ''permanent'' substitute teacher in a classroom. Because she was not required to fill out all the forms and paperwork required by No Child Left Behind, she excelled, and the school offered her a permanent position.

In its origin, No Child Left Behind attempted to provide greater school choice and reduce Washington's involvement in education, but instead this expensive and largely unsuccessful legislation has broadened the scope of the Federal Government's role in education.

Enshrined in our Constitution is the 10th Amendment, which reads, ''The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved for the States respectively, or to the people.''

Federal control of education is listed nowhere in the Constitution, and in accordance with the 10th Amendment, education should be the responsibility of State and local governments.

Because I believe each child's educational path should be determined by a child's parents, and not by the Federal Government, I am an original co-sponsor of the A-PLUS Act.

The A-PLUS Act would give States, teachers and parents the freedom and authority to determine what educational path a student should take.

As part of this legislation, States can opt out of Federal programs and State leaders decide how to use Federal education funds to improve student achievement.

We all are seeking the best possible educational opportunities for our children, and the way to achieve this is let States and local communities be accountable for academic achievement and educational reforms.

HONORING REX HANSON

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to congratulate Rex Hanson, an exemplary citizen from my district who was recently named recipient of the LaRue County School's 2007 Excellence in Classroom and Educational Leadership, ExCEL, Award.

A math teacher at LaRue County High School in Hodgenville, KY, Mr. Hanson has worked to give his students the strong math and science skills needed in today's high tech world. Through his position as the Mathematics Department chairman, he has worked hard to strengthen the math curriculum in LaRue County, spearheading a program that allows high school students to receive college credit through Campbellsville University. This program continues to allow students in LaRue County to get ahead as they make the transition from high school to college.

Mr. Hanson's teaching philosophy is to challenge his students to become the best that they can be in whatever career path they choose once they leave high school. This philosophy has greatly served LaRue County and Kentucky's Second District.

President Bush has placed a strong focus on math and sciences as the country moves into a global economy. I believe Mr. Hanson is a fitting example of this charge. In addition to his position as the Math Department chair, Mr. Hanson is an advisor for the National Honor Society, senior class sponsor, ACT school coordinator, and teaches classes for Elizabethtown Community College.

I applaud Mr. Hanson for his accomplishments in public education, a profession of great responsibility and even greater reward. On behalf of many others in the Hodgenville area, I would like to express my profound appreciation of his service.

It is my great privilege to recognize Rex Hanson today, before the entire U.S. House of Representatives, for his special achievement. His unique dedication to the development of young people and the communities they will someday serve makes him an outstanding citizen worthy of our collective honor and respect.

A TRIBUTE TO MAYFIELD JUNIOR SCHOOL AND MAYFIELD SENIOR SCHOOL

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. SCHIFF. Madam Speaker, I rise today to pay special recognition to Mayfield Junior School and Mayfield Senior School as they celebrate their 75th Anniversary of Holy Child education in Pasadena, California.

In 1931, the Mayfield School was founded by the Sisters of the Holy Child Jesus. Under the philosophy and tradition of Cornelia Connelly, the Mayfield Schools are committed to educating the whole child, by providing a learning environment balancing academic excellence with the arts, athletics, community service, and spiritual growth.

The Mayfield Schools embrace seven goals developed by the Society of Holy Child Jesus founder Cornelia Connelly. These goals seek to provide an intellectually challenging and creative program of study that fosters academic excellence and to create a learning environment based on trust and reverence for the dignity and uniqueness of each person.

The Mayfield Schools have long been committed to community involvement and voluntary service. Upholding their motto of Actions not Words, both students and alumni have dedicated themselves to community enrichment and demonstrated the principals of compassion, integrity and leadership—characteristic of a Mayfield education.

Under the guidance of devoted teachers and faculty, the students of the Mayfield Schools have achieved great success. Over the past 75 years, more than 2,000 young men and women have graduated from Mayfield Junior School and more that 2,800 women from Mayfield Senior School.

I ask all Members to join me today in honoring the Mayfield Junior School and Mayfield Senior School upon the celebration of their 75th Anniversary. The entire community joins me in thanking the Mayfield Schools for their outstanding educational opportunities for the youth of California's 29th District.

HONORING BILL AND MURIEL ELLIOTT AND DREW KATZ

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. ANDREWS. Madam Speaker, I rise today to honor Mr. and Mrs. Bill and Muriel Elliot for their hard work in creating the John R. Elliott HERO Campaign, which promotes the use of designated drivers. The HERO Campaign, named after their late son, Navy Ensign John Elliot of Egg Harbor Township, NJ, began in 2000 when he was killed by a drunk driver.

I also rise to honor Mr. Drew Katz of the Interstate Outdoor Advertising Company of Cherry Hill, NJ. Mr. Katz graciously offered assistance to the Elliott family by providing billboard space to promote the HERO campaign. Partnered together, the Elliott family and Mr. Katz are helping to make the roads a safer place for all New Jerseyans. The Elliot family's commitment to their son and to this cause is truly inspirational. I also thank Mr. Katz for his generosity and commitment to his community.

The Elliott family and Mr. Katz's commitment to the John R. Elliott HERO Campaign has served New Jersey well, and I hope that they continue their vital efforts. I thank the Elliot family and Mr. Katz and wish them success with the HERO Campaign in the future.

HONORING REVEREND THOMAS LOGAN ON THE OCCASION OF HIS NINETY-FIFTH BIRTHDAY

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. FATTAH. Madam Speaker, I rise today to call the attention of the House to a great Philadelphian on the occasion of his 95th birthday, March 19, 2007. The Reverend Canon Thomas Wilson Stearly Logan, Sr., a 1935 Lincoln University graduate, is Rector Emeritus of the Calvary Church in North Philadelphia. In 1938, Father Logan began his now 60-year tenure of service to the diocese of Pennsylvania with his ordination as a deacon. One year later, he was ordained a priest at St. Peter's Church in Philadelphia. During his long and distinguished career, Father Logan served in numerous parishes including: St. Philips Church in New York City, St. Augustine's Chapel in Yonkers, St. Michael and All Angels and the Calvary Church both located in Philadelphia.

Father Logan's service to the children of God has extended beyond the church walls. He has been a member of numerous religious, fraternal, social and civic organizations including the Brotherhood of St. Andrew, the Restitution Fund Commission, the homeless fund, the Philadelphia Police Department, the National Conference of Black Episcopalians and Alpha Phi Alpha Fraternity, Inc. As a delegate to the Anglican Conference in Cape Town, Father Logan brought his spirit, energy and steadfast commitment to social justice across the Atlantic ocean.

Father Logan is committed not only to his church but also to his lovely wife, Mrs. Hermione Hill Logan who on March 16 will achieve the modest age of 96. Father and Mrs. Logan have been happily married since 1938. It is my great pleasure to offer congratulations to Father Logan on his birthday. I wish him years of health and happiness and appreciate his decades of service.

RECOGNIZING THE NEW YORK BLOOD CENTER AND THE IMPORTANCE OF GIVING BLOOD

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mrs. MALONEY of New York. Madam Speaker, I rise to recognize the work done by the New York Blood Center (NYBC) and its efforts to recruit volunteer blood donors to help assure a safe and ample blood supply in the New York Metropolitan area. As one of the nation's largest non-profit, community based blood centers, The New York Blood Center has provided critical blood, transfusion products and services to patients in New York, New Jersey, and Connecticut hospitals for over 40 years.

Established in 1964 in order to better serve the transfusion needs of the New York City community, New York Blood Center was founded in order to carry out a critical mission to provide community members with the highest quality transfusion products and services, as well as leading-edge research and technological and medical care innovation.

The New York metropolitan area is currently experiencing a blood shortage that has reached an emergency level. The New York Blood Center reports a shortage of all types of blood, but most pressingly a need for "O" type blood, the universal donor to patients of all blood types. Hospitals in New York need an average of 2,000 volunteer donors every day to meet critical patient needs. NYBC collects an average of 1500–1700 units/day to help meet these needs in combination with other providers.

When the number of donations falls below the necessary number, NYBC must import the balance of necessary units from other areas of the United States. Without these vital donations, blood must be rationed to local area hospitals and elective surgeries postponed until blood supply levels improve. While the current shortage has not yet caused rationing to occur, it has become an area-wide crisis that endangers the lives and well-being of New Yorkers and demands the community's immediate attention.

To date, NYBC has avoided this critical problem through continuous partnership with local and national government officials to perform constituent outreach. NYBC also collaborates with businesses and organizations that sponsor blood drives, as well as with individuals who donate on a consistent basis. In recent years, while the number of donations in the New York metropolitan area have remained steady, there has been a downward trend in the number of donations in Manhattan, contributing to the causes of the current shortage.

IN RECOGNITION OF THE 80TH BIRTHDAY OF LILLIAN VERNON

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mrs. JONES of Ohio. Madam Speaker, I rise today in celebration of the 80th birthday of Lillian Vernon. Born Lilly Menasche in Leipzig, her family fled the perils of World War II and Hitler's Nazi regime in 1933, fleeing to Amsterdam, Holland then finally to the United States, settling in New York City in 1937. There she attended New York University for 2 years before getting married.

In 1951, while 4 months pregnant, Lillian began her mail order business with a $495.00 sixth-of-a-page ad for a personalized handbag and belt in Seventeen magazine. What started as a simple business run out of her kitchen in Mount Vernon, New York, turned into a leading catalog and online retailer, with its corporate headquarters in Rye, New York. In 1987, Lillian's business became the first woman founded and owned business to go public on the American Stock Exchange.

In addition to Lillian's accomplishments in business, she believes strongly in giving back to her community. Her company has donated funds and merchandise to more than 5,000 charities, religious, and civic organizations. She serves on the boards of several non-profit organizations, including the Lincoln Center for the Performing Arts, the Virginia Opera and The Kennedy Center for the Performing Arts. She has spoken at many universities and has received several honors, including induction in the Direct Marketing Hall of Fame, the Ellis Island Medal of Honor, the Big Brother/Big Sisters National Hero Award and the Gannett Newspapers Business Leadership Award.

At 80 years of age, Lillian continues to strive to be on the cutting edge of fashion accessories, exploring new and even more creative ideas. She is the proud mother of two sons, Dean Fred P. Hochberg, of the New School and David Hochberg, a private consultant. Especially committed to encouraging the careers of women, she has been a constant supporter and friend. Therefore, it is my pleasure to wish her many blessings on her birthday.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Ms. CARSON. Madam Speaker, I was unable to record rollcall vote No. 139. Had I been present I would have voted "yes" on H. Res. 64.

HONORING DR. ELSON FLOYD

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. CLEAVER. Madam Speaker, I rise today to pay tribute to Dr. Elson Floyd, President of the four-campus University of Missouri System. He was selected to run the system November 11, 2002. He is leaving to become the tenth President of Washington State University on June 1, 2007.

During his tenure as President of the System, he has brought about many innovative strategies which have benefited the Universities. He developed a System-wide Strategic Plan with measurable performance objectives. He established a system-wide fundraising goal of one billion dollars, of which 900 million dollars in documented gifts have been received to date toward this goal. Total enrollment increased 7,000 since his hiring to a record high of more than 63,000 students. Minority student enrollment has increased on all four campuses. He has leveraged private support to generate 266 need-based scholarships to enhance student access.

Although there have been lean budget years in the University system, Dr. Floyd has effectively managed them by implementing a plan to reduce System-wide administrative expenditures by 20 million dollars, far exceeding the 10 percent goal of 12.4 million dollars, reinvesting resources of this initiative into scholarships and financial aid, student services and faculty recruitment. He also developed a tuition guideline that holds tuition increases to the rate of inflation, provided that state support also keeps pace with inflation. This allows students and families a certain degree of predictability of college costs.

Dr. Floyd is the 2004 recipient of the James C. Kirkpatrick Award for public service given by the Northwest Missouri Press Association. He is also the 2004 recipient of the Distinguished Alumnus Award from the University of

North Carolina at Chapel Hill. In 2006, students at the University of Missouri-St. Louis established a scholarship in his name, the ''President Elson S. Floyd Endowed Scholarship.''

Madam Speaker, please join me in expressing our heartfelt appreciation to Dr. Elson Floyd for his leadership as President of the University of Missouri System. I urge my colleagues to please join me in conveying our gratitude to Dr. Floyd for his contributions to Missouri, and to wish him well in his new endeavor.

INTRODUCTION OF THE SAVINGS FOR WORKING FAMILIES ACT OF 2007

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mrs. JONES of Ohio. Madam Speaker, I rise today to introduce H.R. 1514, the Savings for Working Families Act of 2007. I have worked with my colleague Congressman JOE PITTS of Pennsylvania and other Members from both sides of the aisle in both the House and Senate to introduce savings legislation that will help America's working families by expanding the successful Individual Development Account program (IDA).

H.R. 1514 provides a tax credit to financial institutions that match the savings of low-income families through Individual Development Accounts. Individual savings in IDAs are matched on a one-to-one basis, up to $500 per person per year, although personal contributions into an IDA are not limited.

Thousands of working families across the country currently take advantage of IDA matched savings and asset accumulation. IDA programs are run by community-based organizations in partnership with a qualified financial institution that holds the deposits. IDA funds can be used for college and post-secondary education, purchasing a home, or starting a small business. Those who save in IDAs also receive financial planning education. Nationally, 50,000 Americans are presently enrolled in 500 IDA programs. In the State of Ohio, nearly 5,000 savers benefit from fifteen IDA programs.

I want to praise the 16 financial institutions that run the fifteen IDA programs in Ohio and assist low-income families build assets: Citizen's Federal Savings & Loan, Faith Community United Credit Union, Farmers National Bank, First Federal Bank, First Federal Savings of Newark, Perpetual Bank, First National Community Bank, Home Savings and Loan, Huntington National Bank, Key Bank, Midwest Family Credit Union, Park National Bank, Fiberglas Federal Credit Union, Peoples Bank, Ohio Savings Bank, Sky Bank, and the World Financial Network National Bank.

Too many families in too many cities across this country live under constant threat of financial ruin due to a lack of savings. Individual Development Accounts allow working families to develop their own assets and establish sound financial footing, creating a fund that would make possible a down payment on a home or seed capital to start a business. We should not delay in expanding the existing IDA program. We have in our power the ability to help working families achieve the American Dream.

Madam Speaker, I would also like to take this opportunity to thank Erika Lunder, a Legislative Attorney at the Congressional Research Service, for providing my staff and me with valuable information and advice on this legislation. Throughout the years, particularly during my service on the Ways and Means Committee, she has consistently provided me with excellent research and counsel in a timely, impartial manner on several pieces of tax and pension legislation. Erika's service is not only greatly appreciated by me, but also my constituents in the Eleventh Congressional District of Ohio and the entire State of Ohio.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 15, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 16

10 a.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings to examine proposed budget estimates for the fiscal year 2008 for the Government Accountability Office, Government Printing Office, Congressional Budget Office, and the Office of Compliance.

SD–138

MARCH 19

1 p.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2008 for the National Institutes of Health.

SH–216

MARCH 20

9:30 a.m.

Armed Services

To receive testimony on the the United States Air Force in review of the Defense Authorization Request for fiscal year 2008 and the future years Defense Program.

SR–325

10 a.m.

Energy and Natural Resources

To hold hearings to examine the nomination of Stephen Jeffrey Isakowitz, of Virginia, to be Chief Financial Officer of the Department of Energy.

SD–366

Finance

To receive testimony on identifying needs, partnerships, and resources relating to a competitive education.

SD–215

Appropriations

Interior, Environment, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2008 for the Department of the Interior.

SD–124

Commerce, Science, and Transportation

Interstate Commerce, Trade, and Tourism Subcommittee

To continue hearings to examine economic and safety concerns relating to promoting travel to America (Part II).

SR–253

Judiciary

To hold hearings to examine combating war profiteering, focusing on investigating and prosecuting contracting fraud and abuse in Iraq.

SD–226

Health, Education, Labor, and Pensions

Retirement and Aging Subcommittee

To hold hearings to examine the state of Alzheimer's disease research 100 years later.

SH–216

2:30 p.m.

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 126, to modify the boundary of Mesa Verde National Park, S. 257, to direct the Secretary of the Interior to conduct a study to determine the feasibility of establishing the Columbia-Pacific National Heritage Area in the States of Washington and Oregon, S. 289, to establish the Journey Through Hallowed Ground National Heritage Area, S. 443, to establish the Sangre de Cristo National Heritage Area in the State of Colorado, S. 444, to establish the South Park National Heritage Area in the State of Colorado, S. 500, to establish the Commission to Study the Potential Creation of the National Museum of the American Latino to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino in Washington, DC, H.R. 512, to establish the Commission to Study the Potential Creation of the National Museum of the American Latino to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino in Washington, DC, S. 637, to direct the Secretary of the Interior to study the suitability and feasibility of establishing the Chattahoochee Trace National Heritage Corridor in Alabama and Georgia, S. 817, to amend the Omnibus Parks and Public Lands Management Act of 1996 to provide additional authorizations for certain National heritage Areas, and for other proposes; and S. Con. Res. 6, expressing the sense of Congress that the National Museum of Wildlife Art, located in Jackson, Wyoming, should be designated as the ''National Museum of Wildlife Art of the United States''.

SD–366

Homeland Security and Governmental Affairs

Investigations Subcommittee

To continue hearings to examine Medicare doctors who cheat on their taxes and efforts to address the problem.

SD–342

Commerce, Science, and Transportation

Science, Technology, and Innovation Subcommittee

To hold hearings to examine energy innovation.

SR–253

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

MARCH 21

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the performance of the United States trade and food aid programs for the 2007 Farm Bill.

SR–328A

Homeland Security and Governmental Affairs

To hold hearings to examine an overview of the Government Accountability Office Assistance to Congressional Oversight, focusing on past work and future challenges and opportunities.

SD–342

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine assessing the effectiveness of the current United States sanctions on Iran relating to minimizing potential threats from Iran.

SD–538

Health, Education, Labor, and Pensions

To hold hearings to examine a review of treatment, diagnosis, and monitoring efforts, focusing on the long-term health impacts from September 11.

SH–216

Judiciary

To hold hearings to examine the Inspector General's findings of the improper use of the National Security Letters by the Federal Bureau of Investigation relating to the misuse of the Patriot Act powers.

SD–226

10:30 a.m.

Commerce, Science, and Transportation

Consumer Affairs, Insurance, and Automotive Safety Subcommittee

To hold an oversight hearing to examine the Consumer Product Safety Commission.

SR–253

Appropriations

Defense Subcommittee

To hold hearings to examine the proposed budget estimates for fiscal year 2007 for the United States Air Force.

SD–192

2:30 p.m.

Environment and Public Works

To hold hearings to examine Vice President Al Gore's perspective on global warming.

SD–106

Judiciary

Terrorism, Technology and Homeland Security Subcommittee

To hold hearings to examine recent developments involving the security of sensitive consumer information relating to identity theft and solutions for an evolving problem.

SD–226

MARCH 22

9:30 a.m.

Commerce, Science, and Transportation

Aviation Operations, Safety, and Security Subcommittee

To hold hearings to examine the Federal Aviation Administration (FAA)modernization.

SR–253

9:45 a.m.

Indian Affairs

To hold an oversight hearing to examine Indian housing.

SR–485

10 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine deconstructing reconstruction, focusing on problems, challenges, and the way forward in Iraq and Afghanistan.
SD–342

2:30 p.m.
Energy and Natural Resources
To hold hearings to examine the ''Future of Coal'' report recently published by the Massachusetts Institute of Technology.
SD–366

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

MARCH 26

2 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
To receive a briefing on the reorganization of the Office of the Under Secretary of Defense for policy.
SR–232A

Energy and Natural Resources
To hold hearings to examine the progress of the European Union's Emissions Trading Scheme and to receive information on lessons learned for policymakers who want to better understand how a market-based trading program could operate efficiently and effectively in the United States.
SD–G50

3 p.m.
Judiciary
Human Rights and the Law Subcommittee
To hold hearings to examine the problem of human trafficking and the legal options to stop the problem.
SD–226

MARCH 27

9:30 a.m.
Judiciary
To hold oversight hearings to examine the Federal Bureau of Investigation.
SD–106

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

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine competition and consumer choice relating to exclusive sports programming.
SR–253

MARCH 28

10 a.m.
Commerce, Science, and Transportation
Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee
To hold hearings to examine the future of the Coast Guard Dive Program.
SR–253

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

9:15 a.m.
Indian Affairs
To hold an oversight hearing to examine Indian trust fund litigation.
SR–485

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of AMVETS, American Ex-Prisoners of War, Military Order of the Purple Heart, Gold Star Wives of America, Fleet Reserve Association, the Retired Enlisted Association, Military Officers Association of America, and the National Association of State Directors of Veterans Affairs.
SD–106

APRIL 10

10 a.m.
Commerce, Science, and Transportation
To hold an oversight hearing to examine the Federal Trade Commission (FTC).
SR–253

APRIL 11

9:30 a.m.
Veterans' Affairs
To hold hearings to examine issues relative to Filipino veterans.
SR–418

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the availability and affordability of property and casualty insurance in the Gulf Coast and other coastal regions.
SD–538

APRIL 25

2 p.m.
Veterans' Affairs
To hold an oversight hearing to examine the Department of Veterans Affairs, focusing on mental health issues.
SR–418

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S3077–S3147

Measures Introduced: Nineteen bills and three resolutions were introduced, as follows: S. 869–887, S. Res. 105–106, and S. Con. Res. 19. **Pages S3124–25**

Measures Considered:

Iraq Resolution: Senate resumed consideration of the motion to proceed to consideration of S.J. Res. 9, to revise United States policy on Iraq. **Pages S3077–S3117**

During consideration of this measure today, Senate also took the following action:

By 89 yeas to 9 nays (Vote No. 74), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to proceed to consideration of the resolution. **Page S3085**

A unanimous-consent agreement was reached providing that all time during the adjournment of the Senate and morning business on Thursday, March 15, 2007, be counted against the time post-cloture under Rule XXII. **Page S3147**

R. Jess Brown United States Courthouse—Referral Agreement: A unanimous-consent agreement was reached providing that the Committee on the Judiciary be discharged from further consideration of H.R. 399, to designate the United States Courthouse to be constructed in Jackson, Mississippi, as the ''R. Jess Brown United States Courthouse'', and the bill be referred to the Committee on Environment and Public Works. **Page S3147**

Messages from the House: **Pages S3122–23**

Messages Referred: **Page S3123**

Measures Placed on the Calendar: **Page S3123**

Petitions and Memorials: **Pages S3123–24**

Additional Cosponsors: **Pages S3125–26**

Statements on Introduced Bills/Resolutions: **Pages S3126–46**

Additional Statements: **Pages S3121–22**

Amendments Submitted: **Page S3146**

Authorities for Committees to Meet: **Page S3146**

Privileges of the Floor: **Pages S3146–47**

Record Votes: One record vote was taken today. (Total–74) **Page S3085**

Adjournment: Senate convened at 10:00 a.m., and adjourned at 6:28 p.m., until 9:30 a.m. on Thursday, March 15, 2007. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S3147.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: ARMY

Committee on Appropriations: Subcommittee on Defense concluded a hearing to examine proposed budget estimates for fiscal year 2008 for the United States Army, after receiving testimony from Pete Geren, Acting Secretary, and General Peter Schoomaker, Chief of Staff, both of the United States Army.

NO CHILD LEFT BEHIND ACT

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education and Related Agencies concluded a hearing to examine federal funding for the No Child Left Behind Act, after receiving testimony from Margaret Spellings, Secretary of Education; Deborah Jewell-Sherman, Richmond Public Schools, Richmond, Virginia; Jane Babcock, Keokuk Community School District, Keokuk, Iowa; John F. Jennings, Center on Education Policy, and Gene Wilhoit, Council of Chief State School Officers, both of Washington, D.C.; and Robert E. Slavin, Johns Hopkins University Center for Data-Driven Reform in Education, Baltimore, Maryland.

2008: BUDGET

Committee on the Budget: Committee met to mark up a proposed concurrent resolution setting forth the fiscal year 2008 budget for the Federal Government, but did not complete consideration thereon, and will meet again tomorrow.

HEALTH CARE REFORM

Committee on Finance: Committee concluded a hearing to examine charting a course for health care moving toward universal coverage, after receiving testimony from James J. Mongan, Partners HealthCare, and Richard G. Frank, Citizens' Health Care Working Group, both of Boston, Massachusetts; Stuart H. Altman, Brandeis University Heller School for Social Policy and Management, Waltham, Massachusetts; and John F. Sheils, Lewin Group, Falls Church, Virginia.

EXTRAJUDICIAL KILLINGS IN THE PHILLIPPINES

Committee on Foreign Relations: Subcommittee on East Asian and Pacific Affairs concluded a hearing to examine strategies to end the violence relating to extrajudicial killings in the Philippines, after receiving testimony from Eric G. John, Deputy Assistant Secretary for East Asian and Pacific Affairs, and Jonathan D. Farrar, Principal Deputy Assistant Secretary for Democracy, Human Rights and Labor Bureau, both of the Department of State; T. Kumar, Amnesty International, USA, and G. Eugene Martin, United States Institute of Peace, both of Washington, D.C.; Elizer M. Pascua, United Church of Christ in the Philippines, Manila; and Marie Hilao-Enriquez, Alliance for the Advancement of People's Rights in the Philippines, Quezon City.

ISLAMIC RADICALISM

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the threat of Islamic radicalism to the homeland, focusing on preventing and countering radicalization, after receiving testimony from Michael Chertoff, Secretary, Charles E. Allen, Assistant Secretary for Intelligence and Analysis, Chief Intelligence Officer, and Daniel W. Sutherland, Officer for Civil Rights and Civil Liberties, all of the Department of Homeland Security.

PRESCRIPTION DRUG USER FEES

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine enhancing patient access and drug safety relating to Prescription Drug User Fees, including S. 484, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act to improve drug safety and oversight, after receiving testimony from Andrew C. Von Eschenbach, Commissioner, Food and Drugs, Food and Drug Administration, Department of Health and Human Services; Kim Witczak, Woodymatters, Minneapolis, Minnesota; Mark McClellan, American Enterprise Institute-Brookings Joint Center for Regulatory Studies, and Diane Edquist Dorman, National Organization for Rare Disorders, both of Washington, D.C.; and D. Bruce Burlington, Wyeth Pharmaceuticals, Collegeville, Pennsylvania.

OPEN GOVERNMENT ACT

Committee on the Judiciary: Committee concluded a hearing to examine reinvigorating the Freedom of Information Act relating to open government, focusing on S. 849, to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), after receiving testimony from Katherine M. Cary, Texas Office of the Attorney General, Austin; Tom Curley, Associated Press, New York, New York, on behalf of the Sunshine in Government Initiative; Meredith Fuchs, George Washington University National Security Archive, Washington, D.C.; and Sabina Haskell, Brattleboro Reformer, Brattleboro, Vermont.

SENATE CAMPAIGN DISCLOSURE PARITY ACT

Committee on Rules and Administration: Committee concluded a hearing to examine S. 223, to require Senate candidates to file designations, statements, and reports in electronic form, after receiving testimony from Senators Feingold and Cochran; Nancy Erickson, Secretary of the United States Senate; Patrina M. Clark, Staff Director, Federal Election Commission; and Thomas E. Mann, Brookings Institute, and Stephen R. Weissman, Campaign Finance Institute, both of Washington, D.C.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 16 public bills, H.R. 1513–1528; 1 private bill, H.R. 1529; and 4 resolutions, H. Res. 243–246 were introduced. **Pages H2570–71**

Additional Cosponsors: **Page H2571**

Reports Filed: Reports were filed today as follows: H.R. 1362, to reform acquisition practices of the Federal Government, with an amendment (H. Rept. 110–47, Pt. 2) and H. Res. 242, providing for consideration of H.R. 1362, to reform acquisition practices of the Federal Government (H. Rept. 110–49). **Page H2570**

Chaplain: The prayer was offered by the guest Chaplain, Rev. Johann Arnold, Church Communities International, Rifton, New York. **Page H2489**

Journal: The House agreed to the Speaker's approval of the Journal by a yea-and-nay vote of 265 yeas to 157 nays with 1 voting "present", Roll No. 147. **Page H2515**

House Democracy Assistance Commission—Appointment: The Chair announced the Speaker's appointment of the following Members of the House of Representatives to the House Democracy Assistance Commission: Representative Price (NC), Chairman; Representatives Capps, Holt, Schiff, Schwartz, Payne, Pomeroy, Farr, Salazar, Ellison, and Hirono. **Page H2493**

House Democracy Assistance Commission—Appointment: Read a letter from the Minority Leader wherein he appointed the following Members of the House of Representative to the House Democracy Assistance Commission: Representatives Dreier, Boozman, Fortenberry, Wilson (SC), Biggert, Gilchrest, Weller, Miller (FL), and Shuster. **Page H2493**

United States Capitol Preservation Commission—Appointment: The Chair announced the Speaker's appointment of the following Members of the House of Representatives to the United States Capitol Preservation Commission: Representatives Obey and Kaptur. **Page H2493**

United States Capitol Preservation Commission—Appointment: Read a letter from the Minority Leader wherein he appointed Representative Wamp to the United States Capitol Preservation Commission. **Page H2493**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Presidential Library Donation Reform Act of 2007: H.R. 1254, to amend title 44, United States Code, to require information on contributors to Presidential library fundraising organizations, by a 2/3 yea-and-nay vote of 390 yeas to 34 nays, Roll No. 142; **Pages H2493–96, H2507–08**

Presidential Records Act Amendments of 2007: H.R. 1255, amended, to amend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records, by a 2/3 yea-and-nay vote of 333 yeas to 93 nays, Roll No. 143; and **Pages H2496–H2500, H2508–09**

Freedom of Information Act Amendments of 2007: H.R. 1309, amended, to promote openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), by a 2/3 yea-and-nay vote of 308 yeas to 117 nays, Roll No. 144. **Pages H2500–07, H2509**

Motion to Adjourn: Rejected the Westmoreland motion to adjourn by a recorded vote of 142 ayes to 258 noes, Roll No. 148. **Pages H2516–17**

Whistleblower Protection Enhancement Act of 2007: The House passed H.R. 985, to amend title 5, United States Code, to clarify which disclosures of information are protected from prohibited personnel practices; to require a statement in nondisclosure policies, forms, and agreements to the effect that such policies, forms, and agreements are consistent with certain disclosure protections, by a yea-and-nay vote of 331 yeas to 94 nays, Roll No. 153. **Pages H2510–15, H2517–43**

Agreed to the Westmoreland motion to recommit the bill to the Committee on Oversight and Government Reform with instructions to report the same back to the House forthwith with amendments, by a recorded vote of 426 ayes with none voting "no", Roll No. 152. Subsequently, Representative Braley reported the bill back to the House with amendments and the amendments were agreed to. **Pages H2540–42**

Pursuant to the rule, the amendment in the nature of a substitute consisting of the text of the bill, modified by the amendments recommended by the Committee on Oversight and Government Reform now printed in the bill, shall be considered as adopted and shall be considered as the original bill for the purpose of further amendment. **Page H2510**

Agreed by unanimous consent that the House vacate the ordering of the recorded vote on the Platts

amendment (No. 2 printed in H. Rept. 110–48) and the previous vote by voice on that amendment to the end that the Chair may put the question on adopting the amendment de novo.

On a demand for a separate vote on an amendment agreed to in the Committee of the Whole:

By a yea-and-nay vote of 252 yeas to 173 nays, Roll No. 151, agreed to the Stupak amendment (No. 1 printed in H. Rept. 110–48) that clarifies that instances of political interference with science are to be considered ''abuses of authority'' and their disclosure therefore protected (agreed to in the Committee of the Whole by a recorded vote of 250 ayes to 178 noes, Roll No. 149)

Pages H2530–32, H2537–38, H2539–40

Earlier, agreed to amendments in the Committee of the Whole:

Agreed to:

Platts amendment (No. 2 printed in H. Rept. 110–48) that requires that the Merit Systems Protection Board rely on a consistent standard for ''clear and convincing evidence''as the burden of proof that must be met to sustain an agency's affirmative defense (that it would have taken the same personnel action independent of an employee's protected conduct); **Pages H2532–33**

Platts amendment (No. 3 printed in H. Rept. 110–48) that clarifies that an otherwise-protected disclosure cannot be disqualified because of the forum in which it is communicated; and

Pages H2533–34

Tierney amendment (No. 5 printed in H. Rept. 110–48) that changes the section on national security whistleblowers to limit which members of Congress can receive information about especially sensitive subjects. **Pages H2536–37**

Rejected:

Sali amendment (No. 4 printed in H. Rept. 110–48) that sought to remove the provision that would make influencing federally funded scientific research a prohibited personnel practice (by a recorded vote of 159 ayes to 271 noes, Roll No. 150).

Pages H2534–36, H2538–39

H. Res. 239, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 223 yeas to 193 nays, Roll No. 146, after agreeing to order the previous question by a yea-and-nay vote of 224 yeas to 197 nays, Roll No. 145.

Pages H2510–15

Committee Elections: The House agreed to H. Res. 244, electing the following Members to serve on certain joint committees: Joint Committee on Printing: Representatives Brady (PA), Capuano, Ehlers, and McCarthy (CA), to serve with the Chair of the Committee on House Administration; Joint Committee of Congress on the Library: Representatives Zoe Lofgren, Ehlers, and Daniel E. Lungren, to serve with the chair of the Committee on House Administration. **Page H2543**

Senate Message: Message received from the Senate today appear on page H2489.

Quorum Calls—Votes: Eight yea-and-nay votes and four recorded votes developed during the proceedings of today and appear on pages H2507–08, H2508–09, H2509, H2513–14, H2514–15, H2515, H2516–17, H2538, H2538–39, H2539–40, H2541, H2542–43. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 7:14 p.m.

Committee Meetings

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies continued hearings on NASA. Testimony was heard from Michael D. Griffin, Administrator, NASA.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development and Related Agencies held a hearing on Science Research. Testimony was heard from Raymond L. Orbach, Under Secretary, Science, Department of Energy.

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Financial Services and General Government held a hearing on the National Archives and Records Administration. Testimony was heard from Allen Weinstein, Archivist of the United States.

HOMELAND SECURITY

Committee on Appropriations: Subcommittee on Homeland Security held a hearing on Gulf Coast Rebuilding. Testimony was heard from the following officials of the Department of Homeland Security: Donald Powell, Federal Gulf Coast Coordinator; Gil Jamieson, Deputy Director, Gulf Coast Rebuilding; FEMA; and Matt Jadacki, Deputy Inspector General.

INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies held a hearing on the Bureau of Land Management. Testimony was heard from James M. Hughes, Acting Director, Bureau of Land Management, Department of the Interior.

LABOR, HHS, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies held a hearing on Department of Education: Student Financial Aid, Higher Education, Institute of Education Sciences. Testimony was heard from the following officials of the Department of Education: Sarah Martinez Tucker, Under Secretary; and Grover J. Whitehurst, Director, Institute of Education Sciences.

MILITARY CONSTRUCTION, VETERANS' AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Construction, Veterans' Affairs, and Related Agencies held a hearing on Long-Term Challenges for Military Construction and Budget Overview. Testimony was heard from the following officials of the Department of Defense: Tina W. Jonas, Under Secretary, (Comptroller)/Chief Financial Officer; Phil Grone, Deputy Secretary, Installations and Environment; and Ryan Henry, Principal Deputy Under Secretary, Policy.

The Subcommittee also held a hearing on VA Research. Testimony was heard from Joel Kupersmith, Chief Research and Development Officer, Department of Veterans Affairs.

TRANSPORTATION, HUD, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation, Housing and Urban Development, and Related Agencies held a hearing on the Secretary of Transportation. Testimony was heard from Mary Peters, Secretary of Transportation.

HARNESSING TECHNOLOGY INNOVATION

Committee on Armed Services: Subcommittee on Terrorism, Unconventional Threats and Capabilities held a hearing on harnessing technology innovation: challenges and opportunities. Testimony was heard from public witnesses.

IMPROVING HEAD START ACT OF 2007

Committee on Education and Labor: Ordered reported, as amended, H.R. 1429, Improving Head Start Act of 2007.

CLIMATE CHANGE AND ENERGY SECURITY

Committee on Energy and Commerce: Subcommittee on Energy and Air Quality held a hearing entitled ''Climate Change and Energy Security: Perspectives From the Automobile Industry.'' Testimony was heard from public witnesses.

FCC OVERSIGHT

Committee on Energy and Commerce: Subcommittee on Telecommunications and the Internet held a hearing entitled ''Oversight of the Federal Communications Commission.'' Testimony was heard from the following officials of the FCC: Kevin J. Martin, Chairman; Michael J. Copps, Jonathan S. Adelstein, Deborah Taylor Tate and Robert M. McDowell, all Commissioners.

OVERSIGHT—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Committee on Financial Services: Held an oversight hearing of the Department of Housing and Urban Development. Testimony was heard from Alphonso Jackson, Secretary of Housing and Urban Development.

RED CROSS GOVERNANCE REFORM

Committee on Foreign Affairs: Held a hearing on the American Red Cross Governance Reform. Testimony was heard from Bonnie McElveen-Hunter, Chairwoman, American Red Cross; and a public witness.

GLOBAL OPINION OF THE U.S.

Committee on Foreign Affairs: Subcommittee on International Organizations, Human Rights, and Oversight held a hearing on Global Polling Data on Opinion of American Policies, Values and People. Testimony was heard from a public witness.

EMERGENCY COMMUNICATIONS GRANTS

Committee on Homeland Security: Subcommittee on Emergency Communication, Preparedness, and Response held a hearing entitled ''Public Safety Interoperable Communications Grants: Are the Departments of Homeland Security and Commerce Effectively Coordinating To Meet Our Nation's Emergency Communications Needs?'' Testimony was heard from Corey Gruber, Acting Assistant Secretary, Grants and Training, Department of Homeland Security; John M. R. Kneuer, Assistant Secretary, Communications and Information, National Telecommunications and Information Administration, Department of Commerce; and Deputy Chief Charles Dowd, Commanding Officer, Communications Division, New York Police Department.

NUCLEAR THREAT DETECTION TECHNOLOGY

Committee on Homeland Security: Subcommittee on Emerging Threats, Cybersecurity and Science and Technology held a hearing entitled ''Countering the Nuclear Threat to the Homeland: Evaluating the Procurement of Radiation Detection Technologies.'' Testimony was heard from Vayl Oxford, Director, Domestic Nuclear Detection Office, Department of

Homeland Security; and Gene Aloise, Director, Natural Resources and Environment, GAO.

SECURITY INFORMATION SHARING AND CIVIL LIBERTIES

Committee on Homeland Security: Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing entitled ''The Department of Homeland Security State and Local Fusion Center Program: Advancing Information Sharing While Safeguarding Civil Liberties.'' Testimony was heard from the following officials of the Department of Homeland Security: Charles E. Allen, Chief Intelligence Officer, Office of Intelligence and Analysis; Daniel W. Sutherland, Officer for Civil Rights and Civil Liberties; and Hugo Teufel, Privacy Officer.

DISTRICT OF COLUMBIA HOUSE VOTING RIGHTS ACT OF 2007

Committee on the Judiciary: Held a hearing on H.R. 1433, District of Columbia House Voting Rights Act of 2007. Testimony was heard from public witnesses.

INDIAN HEALTH CARE IMPROVEMENT ACT EXTENSION

Committee on Natural Resources: Held a hearing on H.R. 1328, To amend the Indian Health Care Improvement Act to revise and extend that Act. Testimony was heard from Charles W. Grim, M.D., Director, Indian Health Service, Department of Health and Human Services; and public witnesses.

ACCOUNTABILITY IN CONTRACTING ACT

Committee on Rules: Granted, by voice vote, a structured rule providing for consideration of H.R. 1362, Accountability in Contracting Act. The rule provides 80 minutes of general debate, 1 hour equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on Oversight and Government Reform and 20 minutes equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on Armed Services. The rule waives all points of order against consideration of the bill except for clauses 9 and 10 of Rule XXI. The rule provides that in lieu of the amendments recommended by the Committees on Oversight and Government Reform and Armed Services now printed in the bill, the amendment in the nature of a substitute printed in Part A of the Rules Committee report accompanying the resolution shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute except clauses 9 and 10 of Rule XXI.

The rule makes in order only those amendments to the amendment in the nature of a substitute printed in Part B of the Rules Committee report accompanying the resolution. The rule provides that the amendments printed in Part B of the report may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report except for clauses 9 and 10 of Rule XXI. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Waxman and Representatives Tom Davis of Virginia and Ginny Brown-Waite of Florida.

EPA's RESEARCH AND DEVELOPMENT BUDGET PROPOSAL FISCAL YEAR 2007

Committee on Science and Technology: Subcommittee on Energy and Environment held a hearing on the Environmental Protection Agency Fiscal Year 2008 Research and Development Budget Proposal. Testimony was heard from the following officials of the EPA: George Gray, Assistant Administrator, Research and Development; and M. Granger Morgan, Chair, EPA's Science Advisory Board; and public witnesses.

SMALL BUSINESS HEALTH INSURANCE

Committee on Small Business: Held a hearing entitled ''Challenges and Solutions to Health Insurance Coverage for Small Businesses.'' Testimony was heard from public witnesses.

FAA'S REAUTHORIZATION PROPOSAL

Committee on Transportation and Infrastructure: Subcommittee on Aviation, held a hearing on the Administration's Federal Aviation Administration Reauthorization Proposal. Testimony was heard from Marion C. Blakey, Administrator, FAA, Department of Transportation.

WATER RESOURCES DEVELOPMENT ACT OF 2007

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment approved for full Committee action H.R. 1495, Water Resources Development Act of 2007.

MINIMUM WAGE BILL REVENUE INCREASES

Committee on Ways and Means: Held a hearing on the Revenue Increasing Measures in the Small Business and Work Opportunity Act of 2007. Testimony was heard from former Representative Kenneth E. Bensen, Jr., of Texas; and public witnesses.

GENETIC NON-DISCRIMINATION

Committee on Ways and Means: Subcommittee on Health held a hearing on Genetic Non-Discrimination. Testimony was heard from Francis Collins, M.D., Director, National Human Genome Research Institute, NIH, Department of Health and Human Services; and public witnesses.

COMMITTEE MEETINGS FOR THURSDAY, MARCH 15, 2007

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Transportation, Housing and Urban Development, and Related Agencies, to hold hearings to examine solvency and reform proposals for the Federal Housing Administration, 9:30 a.m., SD–138.

Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, to hold hearings to examine international food assistance, 10 a.m., SD–124.

Subcommittee on Commerce, Justice, Science, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2008 for the National Aeronautics and Space Administration, 2 p.m., SD–138.

Subcommittee on Energy and Water Development, to hold hearings to examine proposed budget estimates for fiscal year 2008 for the Department of the Army, Army Corps of Engineers, Bureau of Reclamation and the Department of the Interior, 2:30 p.m., SD–192.

Subcommittee on Defense, to hold closed hearings to examine the fiscal year 2007 intelligence community supplemental request, 5 p.m., S–407, Capitol.

Committee on Armed Services: to receive testimony on the posture of the United States Army in review of the Defense Authorization Request for fiscal year 2008 and the future years Defense Program, 9:30 a.m., SH–216.

Committee on the Budget: business meeting to consider the Concurrent Resolution on the Budget for the fiscal year 2008, 9:30 a.m., SD–608.

Committee on Environment and Public Works: Subcommittee on Transportation and Infrastructure, to hold hearings to examine water resources needs and the President's proposed budget request for fiscal year 2008 for the Army Corps of Engineers, 10 a.m., SD–406.

Committee on Foreign Relations: to hold hearings to examine the nominations of Zalmay Khalilzad to be a Representative to the United Nations, with the rank and status of Ambassador, and the Representative in the Security Council of the United Nations, and to be a Representative to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative to the United Nations, 9:30 a.m., SD–419.

Committee on Health, Education, Labor, and Pensions: business meeting to consider S. 624, to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers, S. 657, to amend the Public Health Service Act to add requirements regarding trauma care, S. 845, to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls, and the nomination of W. Craig Vanderwagen, of Maryland, to be Assistant Secretary for Preparedness and Response, Department of Health and Human Services, Time to be announced, Room to be announced.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine the nomination of Gregory B. Cade, of Virginia, to be Administrator of the United States Fire Administration, Department of Homeland Security, 10 a.m., SD–342.

Committee on the Judiciary: business meeting to consider 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. 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. 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, S. 849, to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), S. 863, to amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds, S.J. Res. 5, proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously, S. Res. 95, designating March 25, 2007 as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy", S. Res. 96, expressing the sense of the Senate that Harriett Woods will be remembered as a pioneer in women's politics, the nomination of John Wood, of Missouri, to be United States Attorney for the Western District of Missouri, and the possibility of the issuance of certain subpoenas to former U.S. attorneys, 10 a.m., Room to be announced.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Appropriations, to mark up the Emergency Supplemental Appropriations for Fiscal Year 2007, 9 a.m., 2359 Rayburn.

Committee on Armed Services, hearing on the Fiscal Year 2008 National Defense Authorization Budget Request from the U.S. European Command and Joint Forces Command, 10 a.m., 2118 Rayburn.

Subcommittee on Military Personnel, to continue hearings on views of military advocacy and beneficiary groups, 2 p.m., 2118 Rayburn.

Subcommittee on Seapower and Expeditionary Forces, hearing on the Federal ship construction loan guarantee program, 1:30 p.m., 2212 Rayburn.

Committee on Education and Labor, Subcommittee on Health, Employment, Labor and Pensions, hearing on Examining Innovative Approaches to Covering the Uninsured Through Employer-Provided Health Benefits,'' 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, to mark up the following bills: H.R. 251, Truth in Caller ID Act of 2007; H.R. 477, Stroke Treatment and Ongoing Prevention Act; H.R. 727, Trauma Care Systems Planning and Development Act of 2007; H.R. 545, Native American Methamphetamine Enforcement and Treatment Act of 2007; and H.R. 1132, National Breast and Cervical Cancer Early Detection Program Reauthorization Act of 2007, 9:30 a.m., 2123 Rayburn.

Subcommittee on Commerce, Trade, and Consumer Protection, hearing entitled ''Combating Spyware: The Spy Act,'' 11 a.m., 2322 Rayburn.

Subcommittee on Energy and Air Quality, hearing entitled ''Climate Change: State and Local Perspectives,'' 11 a.m., 2123 Rayburn.

Committee on Financial Services, hearing entitled ''Legislative Proposals on GSE Reform,'' 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on Asia, the Pacific, and the Global Environment, hearing on U.S. Policy Toward South Pacific Island Nations, Including Australia and New Zealand, 2 p.m., 2200 Rayburn.

Subcommittee on Europe, hearing on U.S.-Turkish Relations and the Challenges Ahead, 10:30 a.m., 2172 Rayburn.

Subcommittee on Terrorism, Nonproliferation, and Trade, and the Subcommittee on the Middle East and South Asia, joint hearing on Iranian Nuclear Crisis: Latest Developments and Next Steps, 1 p.m., 2172 Rayburn.

Committee on Homeland Security, hearing entitled ''Disaster Declarations: Where Is FEMA in a Time of Need?'' 1 p.m., 311 Cannon.

Subcommittee on Border, Maritime, and Global Counterterrorism, hearing entitled ''Crossing the Border: Immigrants in Detention and Victims of Trafficking,'' 10 a.m., 311 Cannon.

Committee on House Administration, Subcommittee on Elections, hearing on Election Reform ''Machines and Software,'' 2 p.m., 1539 Longworth.

Committee on the Judiciary, to mark up the following: 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; H.R. 1433, District of Columbia House Voting Rights Act of 2007; and pending Committee business, 10 a.m., 2141 Rayburn.

Committee on Natural Resources, Subcommittee on National Parks, Forests and Public Lands, hearing on the following bills: H.R. 713, Niagara Falls National Heritage Area Act; H.R. 754, To designate the National Museum of Wildlife Art, located at 2820 Rungius Road, Jackson, Wyoming, as the National Museum of Wildlife Art of the United States; and H.R. 929, Land Between the Rivers Southern Illinois National Heritage Area Act of 2007, 10 a.m., 1324 Longworth.

Committee on Science and Technology, hearing on NASA's Fiscal Year 2008 Budget Request, 10 a.m., 2318 Rayburn.

Committee on Small Business, to mark up the following bills: H.R. 1361, RECOVER Act; H.R. 1332, Small Business Lending Improvements Act of 2007; and H.R. 1468, Disadvantages Business Disaster Eligibility Act, 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, to mark up the following: H.R. 1495, Water Resources Development Act of 2007; and other pending business, 11 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, to mark up the following bills: H.R. 327, Joshua Omvig Veterans Suicide Prevention Act; H.R. 612, Returning Servicemember VA Healthcare Insurance Act of 2007; H.R. 797, Dr. James Allen Veteran Vision Equity Act; and H.R. 1284, Veterans' Compensation Cost-of-Living Adjustment Act of 2007, 10 a.m., 334 Cannon.

Subcommittee on Health, hearing on Traumatic Brain and Poly-trauma Centers, 2 p.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Income Security and Family Support, hearing on Increasing Economic Security for American Workers, 10 a.m., B–318 Rayburn.

Subcommittee on Trade, hearing on H.R. 1229, Nonmarket Economy Trade Remedy Act of 2007, 1 p.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, briefing on CIA, 9:30 a.m., and, executive, hearing on Geospatial Intelligence, 1 p.m., H–405 Capitol.

Next Meeting of the SENATE

9:30 a.m., Thursday, March 15

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond 90 minutes), Senate expects to continue consideration of the motion to proceed to consideration of S.J. Res. 9, Iraq Resolution.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, March 15

House Chamber

Program for Thursday: Consideration of H.R. 1362—Accountability in Contracting Act.

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